Confucian Meritocratic Democracy
A Comparative and Philosophical Study of Confucian Meritocracy and Democracy

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Abstract

Contemporary Confucian political theory is noticeable for two politically distinctive and epistemologically similar schools: Confucian democrats and Confucian meritocrats. They both attempt to revitalise Confucianism in modern political theory and practice by advocating various forms of Confucian democracy and Confucian meritocracy. However, there is little effort among the theorists of both schools to provide a comprehensive examination of how far Confucian meritocratic thought may be relevant concerns for modern democratic theorists.

This thesis represents a comparative and philosophical study of classical Confucianism and academic democratic theories. It argues that it is possible to develop a political theory pertaining to a Confucian meritocratic form of democracy. Such theory, which stresses the importance of helping citizens to make reasonable political decisions, contributes to the justification of the superiority of democracy and assists addressing some challenges modern democracy are facing.

The argument has three stages. The first is to explore the ideas of Confucian meritocracy by elucidating and reconstructing some early Confucian political discourses. Such exploration relies upon an analytical and critical reading of some texts in the Confucian classics, especially those concerning *Ren* 仁. The second is to investigate some theoretical and practical problems with the core normative democratic principles in the justification of the superiority of democracy. These normative principles are related to political authority, political rights and political equality and are often deployed to justify the intrinsic values of democracy. The third is to reconcile Confucian meritocracy and modern democracy by exploring the viability of Confucian Meritocratic Democracy or CMD. CMD, which is discussed as an ideal form of government, is founded upon Confucian conceptions of political authority, political rights and political equality. This thesis argues that while such conceptions preserves some political, meritocratic principles critically derived from classical Confucianism, they are compatible with the practical aims of democracy. This thesis also elaborates upon some hypothetical institutional arrangements in CMD.

Note on Translations and Transliterations

For the *Analects論語*, unless otherwise indicated, I have quoted from Confucius. 2006. *Lunyu論語*. Beijing北京: Zhonghua Shuju中華書局. I have consulted Confucius. 2000. *Lunyu論語*, edited by Yang Bojun楊伯峻, Yang Fengbing 楊逢彬. Changsha長沙: Yuelushushe嶽麓書社. Kang Youwei 康有為. 1984. *Commentary on the Analects* (Lunyu Zhu論語注). Beijing北京: Zhonghua Shuju中華書局. For the *Mencius孟子*, unless otherwise indicated, I have quoted from Mencius. 2006. *Mencius 孟子*. Beijing北京: Zhonghua Shuju中華書局. The author has consulted Mencius. 2000. *Mencius孟子*, edited by Yang Bojun楊伯峻, Yang Fengbing 楊逢彬. Changsha長沙: Yuelushushe嶽麓書社.

Unless otherwise indicated, I have made my own translations of the Confucian classics from the original Chinese texts after consulting some scholars' translations:

For translations of texts in the *Analects*, I have consulted Confucius. 1979. *The Analects*, translated by D. C. Lau. London: Penguin. Confucius. 2003. *Confucius: Analects with Selections from Traditional Commentaries*, translated by Edward Slingerland. Indianapolis: Hackett. Confucius. 1997. *The Analects of Confucius: (Lun Yu)*, translated by Huang Chichung. New York: Oxford University Press. Ames, Roger T., and Henry Rosemont Jr. 2010. *The Analects of Confucius: A Philosophical Translation*. New York: Ballantine Books. Chapter and section numbers of *the Analects* follow Lau. For all translations from *Mencius*, I have consulted Mencius, *Mencius*, trans. D. C. Lau (rev. ed.; London: Penguin, 2003) and Mencius, *Mencius: With Selections from Traditional Commentaries*, translated by Bryan Van Norden (Indianapolis: Hackett, 2008). Chapter and section numbers of *Mencius* follow Lau. For all translations from Xunzi, I have consulted *Xunzi: A Translation and Study of the Complete Works*, 3 vols. John Knoblock (Stanford: Stanford University Press, 1988–94). Chapter and section numbers of *Xunzi* also follow Knoblock.

The author uses the Pinyin system for the Romanization of Chinese characters, except for some names that are Romanized by most scholars according to the Wade-Giles system.

The Annotated Timeline of Some Chinese Dynasties and Key Confucian Events Relevant to this Thesis

<table>
<tr><td>Ca.? -2100 BCE</td><td colspan="2">Tang and Yu (唐虞)Dynasties</td><td>Dynasties before the Ancient Three Dynasties (San Dai 三代), thought to have been ruled by sage kings—Yao (Tang Yao 唐堯) and Shun (Yu Shun 虞舜). Most Confucians believe that during this period, Ren government (Ren zheng 仁政) was implemented and the people flourished.</td></tr>
<tr><td>ca. 2100-1600 BCE</td><td colspan="2">Xia 夏 Dynasty</td><td rowspan="4">Ancient Three Dynasties, or San Dai 三代 (Xia 夏, Shang 商, and Zhou 周), thought to mark the beginning of Chinese civilisation. Characterised by some ancient books, poems, the practice of divination, music and rituals in various ceremonies. Most of these later became the source of classical Confucianism and were thought to have been recorded and edited by Confucius in several Confucian classics.</td></tr>
<tr><td>ca.1600-1050 BCE</td><td colspan="2">Shang 商 Dynasty</td></tr>
<tr><td rowspan="4">ca. 1046-256 BCE</td><td rowspan="2">Zhou 周 Dynasty</td><td>Western Zhou 西周 Dynasty (ca.1046-771BCE)</td></tr>
<tr><td>Eastern Zhou 東周 Dynasty (770-256BCE)</td></tr>
<tr><td colspan="2">Spring and Autumn (chunqiu 春秋) Period (770-ca. 475 BCE)</td><td>Confucius 孔子 (ca. 551-479 BCE)</td></tr>
<tr><td colspan="2">Warring States (zhanguo 戰國) Period
(ca. 475-221 BCE)</td><td>Mencius 孟子 (ca. 372 – 289 BCE)
Xunzi 荀子 (ca. 313-238 BCE)</td></tr>
<tr><td>221-206 BCE</td><td colspan="2">Qin (秦) Dynasty</td><td>Unified China, standardisation of the writing system. A centralised</td></tr>
</table>

	(221BCE marks the beginning of Imperial China)	administration followed the principles of 'legalism (*Fajia* 法家)' and implemented the rule of law by harsh means: including the suppression of Confucianism and other schools of thought.
206 BCE-220 CE	Han (漢) Dynasty	Confucianism was established as orthodoxy and as the political ideology of Imperial China. The *Keju* 科舉 (Imperial civil examination) was introduced. Dong Zhongshu 董仲舒 (179– 104 BCE) advocated Confucian political tradition (the Gong yang 公羊 tradition). The rise of and debate between two commentarial traditions on Confucian classical texts— 'New Text Confucianism (*jinwen jingxue* 今文經學)' and 'Old Text Confucianism (*guwen jingxue* 古文經學)'
581-618 CE	Sui (隋) Dynasty	*Keju* was fully established. Cultural prosperity and territorial expansion occurred. The beginning of the Neo-Confucian tradition. Han Yu 韓愈 (768-824), Li Ao 李翱 (772-841)
618-906 CE	Tang (唐) Dynasty	
960-1279	Song (宋) Dynasty	Neo-Confucianism thrived. The Confucian spiritual tradition (Spiritual Confucianism or Confucian Mentalism '*xinxing ruxue* 心性儒學') was introduced.

1368-1644	Ming (明) Dynasty	Cheng-Zhu School of Neo-Confucianism: Cheng Hao 程顥 (1032–1085), Cheng Yi 程頤 (1033–1107), Zhu Xi 朱熹 (1130－1200). Lu-Wang School of Neo-Confucianism: Lu Jiuyuan 陸九淵 (1139–1192), Wang Yangming 王陽明 (1472—1529)
1644-1912	Qing (清) Dynasty	The Changzhou School of Thought (*Changzhou xuepai* 常州學派) revived the Confucian political tradition (*gongyang* 公羊 tradition). Prominent scholars in this school: Liu Fenglu 劉逢祿 (1776—1829) Song Xiangfeng 宋翔風 (1776-1860) Kang Youwei 康有為 (1858– 1927) *Keju* was abolished in 1905, a year which marks the collapse of Confucianism as the imperial orthodoxy.
1912-1949	Republic Period (1912 marks the end of Imperial China)	The beginning of New-Confucianism (*xinrujia* 新儒家) Prominent New Confucians: Xiong Shili 熊十力 (1885-1968) Zhang Junmai 張君勱 (1887-1969) Liang Shuming 梁漱溟 (1893-1988) Feng Youlan 馮友蘭 (1895-1990) Mou Zongsan 牟宗三 (1901-1995)

		Xu Fuguan 徐複觀 (1904-1982) Tang Junyi 唐君毅 (1909-1978)
1949-present	People's Republic of China	Confucianism was generally demonised during the Cultural Revolution (1966-1976). New-Confucianism, profoundly influenced by the Confucian spirituals tradition of the Song and Ming dynasties, has been developed by modern Confucian scholars in Hong Kong, Taiwan and the USA. Since the early 21st century, some Confucian scholars in mainland China, especially those who belong to Mainland New Confucianism (*dalu xinrujia* 大陸新儒家) have been striving to revitalise the Confucian political tradition.

1. Introduction

A large body of theoretical and empirical studies has demonstrated that the problem of unreasonable voters has become increasingly obvious in modern democratic societies (Sears & Funk 1990, Denver & Hands 1990, Ackerman and Fishkin 2004b, Hardin 2009: 235; Bovard 2005:13, Somin 2010: 258, Caplan 2011: 34, Guerrero 2014: 173). Some scholars have considered the costs and benefits of voting in modern representative democracies and have gone so far to argue that it is irrational and immoral for voters to spend time on improving their voting competency (Arneson 2009: 202, Hardin 2009: 235).

Two groups of contemporary democratic theorists commonly emphasise the problem of public ignorance in modern democracies: Deliberative democrats and Platonist democrats. Deliberative democrats propose deliberation as an educative strategy for improving the political competence of voters, while Platonist democrats contend that only those whose expertise is sufficiently proven ought to participate in politics (Caplan 2011, Gutmann & Thompson 2009, Fishkin 2009, Dryzek 2000, Cohen 1997).[1] Deliberative democrats and Platonist democrats both exemplify a certain readiness to reject an equal participation of all the citizens in the political decision-making process. Many regard this as a radical stance, which risks violating some core normative democratic principles; i.e., those pertaining to the allocation of political authority, basic political rights and minimal political equality.

However distinct the radical positions assumed by both schools may be, they both resonate with certain aspects of early Confucian political and ethical thought. The meritocratic and democratic political proposals found in classical Confucianism are premised upon the notion that while the state should provide every citizen with the opportunity to gain a high-quality education, those who participate in political decision-making should be well-educated, and should already have achieved a high degree of self-cultivation. Given its resonance with contemporary democratic theories, classical Confucianism is worthy of some serious contemplation and discussion.

[1] Since Plato, democracy has been criticised for failing to bestow an adequate degree of political power to those who are in a better position to make reasonable political decisions. In *The Republic*, Plato defended the idea that a minority of moral experts should rule. In *Politics*, Aristotle restricted citizenship to well-educated elites, who had sufficient free time to pursue the good life (Ober 2001).

1.1 Theoretical Background

Confucianism is the most important philosophy, religion and tradition in most East Asian countries and regions. Many generations of scholars have studied this tradition; but what does 'Confucianism' really mean? There is no universally agreed definition of Confucianism. This is not merely because Confucianism is a rich and complex tradition, but also because the meaning of Confucianism has varied considerably throughout history. As Nathan Sivin says, 'It is hard to think of any idea responsible for more fuzziness in writing about China than the notion of Confucianism' (Sivin 2001: xxi). Moreover, there are also many disagreements about whether or not Confucianism can play a constructive role in modern societies.

1.11 The Development of Confucianism

Confucianism is a dynamic tradition, and it has been constantly developing and evolving for more than two thousand years (Yao 2000: 3-5). The development of Confucianism from the time of Confucius until now can be understood as encompassing four periods. [2]

The first period is the period of classical Confucianism, which started in the Zhou dynasty (1046-256 BCE). During this early stage of Confucian tradition, Confucius interpreted, continued and refined the ancient tradition of the Tang and Yu 唐虞 (Ca.? - 2100 BCE), Xia 夏 (2070 -1600 BCE), Shang 商 (1600-1046 BCE) and Zhou 周 dynasties (1046-256 BCE).[3] Early commentarial traditions taught that Confucius was either the author or the editor of many early Confucian texts, including the well-known Five Confucian Classics:

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[2] Qian Mu 錢穆 contends that there are 'six periods.' These are the 'classical period,' the 'Han period,' the 'Xuanxue Revival period,' the 'Tang period (the Emergence of Neo-Confucianism),' the 'Song, Yuan and Ming dynasty (the development of Neo-Confucianism)' and the 'Qing dynasty.' Mou Zongsan 牟宗三, Tu Weiming 杜維明 and various other 'Hong Kong, Taiwan and overseas new Confucians' support 'three periods.' These are the 'classical period,' the 'Song Ming period' and the '20th-century modern period.' Gan Chunsong 幹春松, one of the leading Mainland New Confucian philosophers, has a different opinion; he speaks of 'three periods.' Gan combines the 'Han dynasty' with the 'Song-Ming period.' He believes that Dong Zongshu 董仲舒 represents the end of the 'classical period,' while Kang Youwei 康有為 represents the start of the 'Modern period.' Gan even proposes an alternative schema of two periods: the 'pre-Kang Youwei period' and the 'post-Kang Youwei period' (Gan 2015: 10-25). In this thesis, the development of Confucainism is understood mainly in terms of a series of distinct historical periods, rather than in terms of any particular Confucian scholar.

[3] In his book *Understanding Confucian Philosophy,* Liu Shuxian 劉述先 states: 'The Confucian tradition does not start with Confucius' (Liu 1998: 3). Confucian tradition draws upon earlier civilizational resources: those of the ancient Three Dynasties, or *San Dai* 三代 (*Xia* 夏, *Shang* 商, and *Zhou* 周).

The Classic of Poetry, *The Book of Documents*, *The Book of Rites*, *The Book of Changes*, and *The Spring and Autumn Annals* (Yao 2000: 52-54, Nylan 2001: 8-10). Most of Confucius's teachings were compiled in the *Analects*, a book which has profoundly influenced the moral values and way of life of countless people in China and other Eastern Asian countries. After Confucius's death, his thought was developed further by Mencius, Xunzi and other Confucians; prior to the Qin dynasty (221-206 BCE).

The second period began in the early Han dynasty (202 BCE -220 CE), when Dong Zhongshu 董仲舒 (179BCE-104BCE) advocated 'privileging Confucianism and abandoning other schools (*bachu baijia duzun rushu* 罷黜百家獨尊儒術).' Dong's campaign marks the establishment of Confucianism as the orthodox worldview and political ideology of Imperial China. This period also witnessed the rise of two rival schools of commentary: 'New Text Confucianism (*jinwen jingxue* 今文經學)' and 'Old Text Confucianism (*guwen jingxue* 古文經學).' Both rival traditions represent serious hermeneutical engagements with the Confucian classics; they will be discussed in more detail later in the rest of this chapter.

The third period is the time of Neo-Confucianism, which originated with Han Yu 韓愈 (768-824) and Li Ao 李翺 (772-841) in the Tang dynasty. In the Song and Ming dynasties, Neo-Confucianism became an even more significant force; it was further developed by Cheng Hao 程顥 (1032–1085), Cheng Yi 程頤 (1033–1107), Zhu Xi 朱熹 (1130－1200), Wang Yangming 王陽明 (1472—1529) and other Confucian scholars.

The fourth period is the modern era. The modern period emerged from the late Qing dynasty (1644-1912CE). This is the time when the *Keju* (Imperial civil examination) was abandoned,[4] and Imperial/Institutional Confucianism collapsed. Kang Youwei 康有為 began thinking about how Confucianism could meet the challenge posed by Western values, as well as about how to defend and preserve Confucian teachings in modern China. After this, several generations of 'Modern New Confucians (*xiandai xinrujia* 現代新儒

[4] The *Keju* was an examination system used for recruiting political officials in Imperial China (206 BCE – 1905). It was similar to the civil service examination found the China of today; but its curriculum was mainly composed of the Confucian classics. The bureaucracy of Imperial China did not recognise the modern distinction between civil servants and political officials. Chapter 6 of this thesis will further discuss the *Keju* system.

家)' endeavoured to modernise, revitalise and creatively reconstruct Confucianism, in order to make Confucianism serviceable for modern societies.

1.12 Modern Relevance of Confucianism

It is reasonable to ask whether the political and philosophical problems that the early Confucians discussed more than two thousand years ago can still be relevant today; or whether, on the contrary, such problems were limited to the particular time, region or country of figures such as Confucius, Mencius and Xunzi. Indeed, unlike modern political philosophers, the early Confucians never had the opportunity to encounter a variety of forms of governance. Nor had they ever heard of democracy, political equality, human rights and other modern (Western) political values. These facts may easily give rise to the impression that Confucianism is merely a relic of antiquity; an outdated irrelevance which has little to do with the modern lives of people today, in their own individual socio-political contexts.

This objection appears to be one of the most common challenges posed to those who advocate Confucianism in modern societies. If it is considered impossible for today's society to return to some lost Golden Age, then it is necessary to respond to this challenge directly. Otherwise, it is difficult to make a convincing case for the political relevance and importance of Confucianism in today's world.

It is necessary here to formulate a response to those scholars who believe that a progressive vision of political philosophy must necessarily disqualify Confucianism from any serious reinterpretation and application in the world today. It must firstly be emphasised that most of the problems found in political philosophy are part of a repertoire of persistent problems that defy any attempt to seek a final and comprehensive resolution. Throughout history, the social and political praxis of human beings has necessitated repeated engagement with these questions. Because of this, it is inappropriate to be excessively dismissive of a political philosopher, purely because they have made a much earlier entrance to the world stage.

It is difficult to deny that the manner of expression of such political, philosophical problems is influenced by variations in time, locale, and communicator. However, the various manifestations of fundamental problems in political philosophy nevertheless

retain certain mutual 'family resemblances,' regardless of any differences of time, space, and person. It is possible that such family resemblances may be ultimately rooted in the shared 'lifeworlds' of the participants (Habermas 1987). Either way, it is fair to say that even if the 'solutions' offered to such problems tend to look mutually distinct or even incompatible, it is nonetheless possible that some individual thinkers may have been reproducing or 're-contextualising' an earlier approach that actually belongs to the given repertoire of philosophical approaches to the issues under discussion (Yu 2013).

More importantly, the true significance of political philosophy cannot be reduced to certain external factors; like the social environment, economic conditions and political structures of any one society. Mark Bevir contends that 'no matter how much society influences what individuals say, we still cannot reduce what individuals say to facts about their social locations' (Bevir 2012: 32-34). The ideas of the great political philosophers are fundamentally derivable from their intentions, and not primarily from any attendant social or political conditions. If this characterisation of political philosophy is deemed acceptable, then the ultimate significance of a political philosopher has little to do with whether he or she comes to the world stage earlier or later. On the contrary, the true value and importance of their thought lies in its profundity.

But are the ideas of early Confucians sufficiently profound to justify the view that such ideas deserve serious consideration in modern societies? Hsiao Kung-Chuan 蕭公權 contends that the 'profundity' of Confucianism can be understood as a type of adaptability:

> With all the schools of philosophy that had existed from pre-Qin times, it was their ability to adapt to the new historical environment [of the imperial age] that determined their prosperity or decline. The Confucians' adaptability was greatest; hence the transmission of their teachings continued longest, and their real power and influence were strongest. (Hsiao 1979: 20-21)

Hsiao believes that Confucianism has proven highly adaptable to changes of environment; and that this has enabled Confucianism to influence China and some other East Asian countries for over two thousand years, right up to the present day.

Another important consideration is that the political problems faced by early Confucians and modern Western political philosophers share many important similarities. One such

similarity is the disappearance of a hierarchical and hereditary feudal system. Such system included a particular kind of ruling structure, resembling a pyramid. The king ruled over a handful of princes, princes over lesser lords, and so on. This meant that each level of the hierarchy represented a small community with a limited number of citizens; even if the entire system itself was a huge entity with a large population.

As the older system fell into decrepitude, the need emerged for a new centralised system of governance, which could directly handle the affairs of a state that was already handling increasingly large-scale tasks. The central government had to rule directly over a relatively densely populated territory, whose citizens were fairly mobile, and often in communication with one another. These citizens had already gained a substantial degree of freedom and equality, on account of the disappearance of the pedigree-based nobility system. Francis Fukuyama points out:

> State building in China was driven by the same circumstances that necessitated centralized states in early modern Europe: prolonged and pervasive military competition. Military struggle created incentives to tax populations, to create administrative hierarchies to provision armies, and to establish merit and competence rather than personal ties as the basis for recruitment and promotion. (Fukuyama 2014: 11)

Because of this, China was required to face a number of 'modern' political problems long before Europe did. This meant that early Confucians often offered political proposals that were similar to those advocated by modern Western political philosophers (Bai 2012). Admittedly, there are other times where the proposals offered by early Confucians diverged sharply from those of their modern Western counterparts. But in either case, it is not reasonable to automatically dismiss the proposals offered by early Confucians.

Such a dismissive attitude has itself been rejected by many Western thinkers. Matteo Ricci (1552–1610) famously introduced Confucianism to the citizens of Western countries. After this, many Enlightenment philosophers developed a keen fascination with Confucian political and ethical thought; among these were Gottfried Wilhelm Leibniz, Christian Wolff, Matthew Tindal, and François-Marie Arouet (Voltaire). 'For some of them, the Confucian political blueprint that the state was ruled "in accordance with moral

and political maxims enshrined in the Confucian classics" appeared to provide an ideal prototype for a modern state' (Dawson 1964: 9, Yao 2000: 3).

If scholars wish to compare Confucianism with modern democratic thought, it is perfectly reasonable to make a genuinely critical and rigorous assessment of Confucian values, for the practical purpose of creating a 'modernistic transformation' of Confucian tradition (Brennan and Fan 2007, Tu 2002, Yang 2004, Cheng 1997). However, it is surely inadmissible to treat Confucianism as dispensable in the modern societies of today, purely because it is 'outdated.'

1.2 Contemporary Confucian Political Theory

In recent years, many modern 'New Confucians' and political philosophers have conducted philosophical and comparative studies of Confucianism. They aim to ascertain how compatible or incompatible Confucianism and modern democracy may be (Ames 2017, 2011, Kim 2016, 2014, Rosemont Jr 2015, Chan 2014, Fan 2013, 2010, Bell and Li 2013, Angle 2012, Elstein 2012, Bai 2012a, b, 2008, Fröhlich 2010, Chen 2007, Brennan and Fan 2007, Bell 2006, Ackerly 2005, Yang 2004, Tan 2004, O'Dwyer 2003, Tu 2002, Chan 2002, 1999, Li 2001b, He 2001). These scholars can be divided into two camps: Confucian democrats and Confucian meritocrats.

1.21 Confucian Democrats

Scholars in the camp of the Confucian democrats generally have a faith in democracy, even though some of them are conscious of the deficiencies and imperfections found in certain liberal democratic practices or values. Most Confucian democrats are highly appreciative of the institutional apparatus of democracy; they also take certain instrumental and intrinsic values associated with democracy as foundational premises for their political reflection. These scholars are firmly convinced that Confucianism can and should be made compatible with modern democratic values.

In 1958, four of the most prominent Confucian scholars of the 20th century co-authored *A Manifesto to the World on Behalf of Chinese Culture (Wei Zhongguo Wenhua Jinggao Shijie Renshi Xuanya*n 為中國文化敬告世界人士宣言) (Chang et al. 1958): Mou

Zongsan 牟宗三, Xu Fuguan 徐複觀, Carson Chang 張君勱, and Tang Junyi 唐君毅.[5] These four leading scholars used their Manifesto to convey their firmly-held conviction that Confucianism embodies 'democratic seeds' which are capable of being developed into fundamental democratic values. The Manifesto also states that people living in nations that have been strongly influenced by Confucianism are in a good position to make a principled case for democracy as the best kind of political arrangement for their country.

Mou Zongsan 牟宗三 is one of the authors of this Manifesto. He contends that all modern and democratic values are plausibly derivable from Confucian values. Mou discusses the traditional Confucian ideal of 'inner sagehood' (*neisheng*內聖), i.e. the self-cultivation of one's true humanity and nature in order to realise *Ren* (仁). He argues that this 'inner sagehood' can assist in developing (*kaichu*開出) an appropriately modern 'outward kingliness' (*waiwang*外王); i.e., democracy.[6] Mou believes that it is perfectly possible for democratic institutions to emerge from a Confucian cultural tradition, by way of the 'self-restriction' (*ziwo kanxian*自我坎陷) of the individual conscience (Mou 1991: 59).[7]

From Mou's perspective, there are 'intensional' and 'extensional' aspects of rationality. Confucians have already succeeded in generating the 'intensional' aspect of rationality, or the 'spirit of a syncretic fulfilment of reason.' This includes the spirit of democracy; such as respect for human rights, and liberal democratic assumptions about human nature. Mou contends that what Confucianism lacks is the development of the 'extensional' aspect of rationality or the 'spirit of the analytical fulfilment of the human reason.' The latter includes the institutions of modern democracy: such as democratic elections, the rule of law and parliamentary systems (ibid. Chapter 3).

Mou tries to establish a connection between democratic politics and the Confucian moral consciousness. His insights have shaped the thinking of many 'Hong Kong and Taiwan

[5] For further discussion of this manifesto, see Chen (2007).

[6] For Mou's discussion of 'inner sagehood and outward kingliness (內聖外王),' see Mou (1991: 55-62), Li (2001a: 164-165, 1991: 55-62). For some valuable commentary on Mou's ideas, see Yang (2012, 1994: 15-29), Li and Cai (1996: 399).

[7] Mou's complex concept of *ziwo kanxian* is derived from Hegelian philosophy. This concept is sometimes translated as 'self-negation' (Angle 2012: 152). Steven C. Angle points out that 'Self-restriction means to understand and accept that there is a type of authority — Mou loosely calls it political authority, but constitutional authority might be better — that has a claim on us independently of how things look to us ethically' (Angle 2017: 19). For more detailed discussion about 'self-restriction,' see Angle (2012: 26-30).

New Confucians (*gangtai xinrujia* 港臺新儒家)' and 'Overseas New Confucians (*haiwai xinrujia* 海外新儒家).' Some of these scholars are Mou's own students, who have sought out Confucian sources that are capable of supporting democracy, and even liberalism. They attempt to prove that modern democratic values can be derived from Confucian ones. These Confucian democrats believe 'there is no irreconcilable or fundamental contradiction' between Confucianism and modern democracy (Li and Cai 1996: 187).

However, there is always a tendency among Confucian democrats to propose 'wholesale Westernisation.' Specifically, some Confucian democrats assume that Confucianism is merely a philosophy of personal self-cultivation (*xiu shen*修身); and that because of this, it can only contribute towards the improvement of personal morality, or towards realising the innate goodness of individuals. These thinkers believe that Confucian political thought is incompatible with democratic values and that on account of this, it should be rejected or disregarded in the civil society of today.[8] Thus, in reality, it is liberal democratic institutional frameworks that ought to play a dominant role in protecting liberal goods, rather than 'unrealistic' Confucianism (Tiwald 2011, Bruun and Jacobsen 2004, Roetz 1999, Engle 1999, De Bary 1998, Cheng 1997, Chang 1995).

Other contemporary Confucian democrats are attempting both to reconceptualise democracy and to critically reconstruct Confucianism; in order to render fundamental Confucian values and some core democratic principles integral to their proposals of 'Confucian democracy' (Ames 2017, Ames and Hall 2015, Kim 2017, 2016, 2014, Angle 2012, Tan 2004). Almost every member of this faction of Confucian democrats has a different conception of how to revitalise or modernise Confucianism. However, most of these scholars share the conviction that Confucianism cannot be relevant or valuable to a modern society unless it can accommodate democratic values. For example, in his latest book, *Public Reason Confucianism: Democratic Perfectionism and Constitutionalism in East Asia*, Sungmoon Kim argues that in modern societies, Confucian values should be promoted 'in the service of democratic citizenship under the normative constraints of core democratic principles' (Kim 2016: 68).

[8] Some Confucian democrats are influenced by Ronald Dworkin. Dworkin argues that East Asians ought to uproot themselves from their traditional Confucian values and embrace democratic values (Dworkin 1996). Other scholars, such as Amy Chua and Samuel Huntington, acknowledge that Confucian values are deeply rooted in East Asia. They argue that as East Asian Countries have been profoundly influenced by Confucianism, the modernisation process is likely to result in value conflicts between the East and the West (Chua 2004, Huntington 2004).

In order to defend some version of Confucian democracy, Confucian democrats offer various reasons for embracing democracy. For example, democracy is intrinsically valuable, on account of its capacity to protect individual autonomy and political equality (Kim 2016, Chan 2014, Li 2005). Thus, democratic institutional arrangements 'are required by Confucianism if it is to realize its own goals' (Angle 2012: 29, 85). Democracy is also of instrumental value, as it assists 'effective and legitimate social coordination.' On account of this, Confucian democrats contend that they take value pluralism and the moral conflicts found in modern societies much more seriously than Confucian meritocrats do (Kim 2017: 243).[9]

It appears that most Confucian democrats have merely assumed *a priori* that democracy is of both instrumental and intrinsic value. This assumption appears to derive from their recognition of some normative democratic principles; such as appropriate allocation of political authority, political equality or the right to political participation. However, these scholars rarely discuss the philosophical reasons for their belief in such democratic principles. Also, Confucian democrats generally avoid the question of whether democratic institutional arrangements are either necessary or sufficient conditions for realising the normative values associated with democracy; whether in ideal or non-ideal situations.

1.22 Confucian Meritocrats

Confucian meritocrats are generally sceptical about the value of democracy, even though some of them have critically endorsed some democratic institutional arrangements. They are aware of many of the drawbacks of modern democracy and are motivated to defend Confucian meritocracy against liberal democratic ideas.

Today, an increasing number of Sinophone Confucian philosophers in mainland China consider themselves to belong to the school of 'Mainland New Confucianism' (*dalu xinrujia* 大陸新儒家) (Chen 2013, Jiang 2015, Zeng 2016, Zhang 2017, Li 2015, Li et al. 2016, Wang 2017, Ren 2017). Most of these scholars are firmly convinced of the value of traditional Confucianism, and of its applicability to modern societies. Accordingly,

[9] The instrumental and intrinsic values of democracy will be further elaborated in the following sections.

they reject many democratic principles (Zeng and Guo 2014). Because of this, they are viewed by many Confucian democrats as 'fundamentalists,' or as 'radical Confucian meritocrats' (Huang 2016, 2017).

Some of the arguments made by 'Mainland New Confucianism' scholars may easily appear subjective and unpersuasive. However, their approach to Confucian political thought is insightful and novel; especially in comparison to 'Hong Kong and Taiwan New Confucianism (*gangtai xinrujia* 港臺新儒家),' such as the authors of the Manifesto and their students. This is because, even though the Manifesto acknowledges that classical Confucianism is indeed relevant to the field of politics, it mainly focuses on the spiritual aspects of Confucianism.

Many Hong Kong and Taiwan new Confucian scholars argue that the internal development of the spirit of Confucianism must naturally lead Confucians to embrace democracy; or as the Manifesto itself says, 'progress is orientated towards the attainment of moral self-realisation in the fields of politics, of knowledge, and of technology. In other words, China needs a genuine democratic reconstruction' (Zhang 1958: 469).

This spiritual focus draws strength from the opinion, held by all four authors of the Manifesto, that Confucianism is mainly a tradition of moral self-realisation, or 'Learning of the Heart-Mind and Nature' (*xinxing zhixue* 心性之學). The Manifesto authors still retain a belief in the vitality of Spiritual Confucianism (*xinxing ruxue* 心性儒學), which is a product of the Neo-Confucianism of the Song (960-1279) and Ming (1368–1644) dynasties.

By contrast, 'Mainland New Confucianism' scholars show a keen interest in the kind of Confucian philosophy that focuses on political institutions. They do not discuss 'Learning of the Heart-Mind and Nature' so much. Instead of focusing on the Confucian spiritual tradition (Song-Ming Neo-Confucianism), they advocate returning to the Confucian political tradition (*gongyangxue* tradition 公羊學), which was first established by the Han dynasty scholar Dong Zhongshu 董仲舒 (179-104 BCE), and later revived by the Qing dynasty scholar Kang Youwei 康有為 (1858–1927).

‘Mainland New Confucianism’ follows the school of New Text Confucianism, which regards Confucius as a semi-divine Philosopher-King (*suwang* 素王) rather as an established historian. Because of this theoretical allegiance, scholars from this school attach a high degree of importance to Confucian political thought. They also frequently discuss the contemporary relevance of such ideas. They advocate Political Confucianism (*zhengzhi ruxue* 政治儒學), criticising ‘Hong Kong and Taiwan New Confucianism’ for uncritically endorsing democracy, and for confining Confucianism within the narrow field of Spiritual Confucianism (Huang 2016, Wang 2017).

Jiang Qing 蔣慶, probably the most influential ‘Mainland New Confucianism’ scholar, contends that it is neither necessary nor desirable to make Confucianism compatible with modern democracy. He believes that modern democracy is tied to Western history and is inseparable from Christianity, which is the root of Western culture. Because of this, it is impossible to universalise democratic values and institutions. Jiang further argues that since China is a Confucian country, it cannot adopt modern democracy, as the latter is incompatible with the Chinese tradition. On account of this incompatibility, it is necessary for China to develop and adopt a Confucian regime (Jiang 2012, 2003). Even though the ‘Sinocentric’ position of this camp might easily appear objectionable to liberals, Jiang’s reconstruction and revitalisation of Political Confucianism has a certain degree of validity and plausibility; this will be explained in more detail as the chapter proceeds.

However, if one wishes to effect a creative transformation of Confucian political thought, and to move forward to deal with some real modern political problems, then it would seem inappropriate to merely make a ‘faithful’ return to Confucian political traditions, such as the *Gongyang* tradition, or Kang Youwei’s own political proposals. For, to merely sustain a general belief in the value of Confucianism is an approach that is very limited in value. ‘Mainland New Confucians’ treat Confucian tradition as though it were merely another monotheistic tradition. Because of this, it fails to take value pluralism in modern societies seriously. In order to make Confucianism relevant and valuable for modern societies, Confucian tradition should be made more inclusive, so that it can be made possible to advocate a Confucian way of life, while not denying the validity of any other reasonable path to the good life.

Some contemporary Confucian meritocrats who have obtained PhD from Western universities are more moderate than many Sinophone Confucian meritocrats from mainland China (Chan 2014, 2013, Bai 2013, 2012a, b, Bell 2006, Fan 2013, 2010, Li 2012). These 'moderate' Confucian meritocrats also acknowledge that some democratic principles are not self-evidently true, and that some democratic institutional arrangements found in modern societies are deficient. However, they embrace democracy to a limited degree and attempt to reform Confucianism (Kim 2017: 238).

These scholars are attempting to transform Confucianism into a source of inspiration for those involved in the politics of today's world. At the same time, they are trying to show that Confucian political thought can make a positive contribution to democracy, by modernising and revitalising some Confucian political conceptions (Chan 2014: 81). For example, Lee Seung-Hwa argues that a democratic moral standard, founded upon a liberal understanding of human rights, only protects the 'negative freedom' of the citizens, and so it may not be a sufficient means to help citizens to achieve flourishing lives. Thus, some Confucian meritocratic conceptions, such as '*Ren* 仁' and '*Junzi* 君子' might serve as more constructive standards for the evaluation of political leaders (Lee 1996: 367-368). Chenyang Li 李晨陽 also claims:

> It is a simple-minded fallacious inference that, since democracy is good, anything that is undemocratic must be bad. An argument can be made that in the United States and throughout the democratic West, healthy society has been threatened precisely by the diminishing of traditional values similar to these undemocratic Confucian values. (Li 1997: 189)

Most moderate Confucian meritocrats believe that they can offer a political system that is better than the present democratic and undemocratic regimes. In order to pursue this goal, they have sought to re-examine the merits and defects of Confucian and democratic values, thereby combining the best of Confucian meritocracy and modern democracy.

1.23 A Philosophical Thought Experiment

I am generally sympathetic to the views of the moderate Confucian meritocrats. However, most moderate Confucian meritocrats still focus on the ethical dimension of Confucianism; their research often lacks profound and comprehensive engagement with

the more political dimensions of Confucianism. More specifically, their critical and creative interpretations of the Confucian classics often fail to adequately illuminate the political-philosophical meaning of some core Confucian concepts; such as *Ren* 仁 and *Junzi* 君子. At times, these concepts are even conflated with Daoist ideas.

On the one hand, whenever Confucian meritocrats argue against modern democracy, they often take the contemporary political reality of Western democratic countries as their fundamental point of departure. On the other hand, whenever they defend the positive role of Confucian meritocracy in modern societies, their discussions tend to revolve around the historical contribution of some meritocratic institutional arrangements in Imperial China; or certain controversial or ill-informed examples of political meritocracy in East Asian countries and regions.[10] Most Confucian meritocrats rarely offer philosophical arguments in their comparative studies of Confucian meritocratic thought and academic democratic theories (Kim 2017: 237).

Considering the limitations of current approaches, this thesis encompasses a philosophical examination of the degree of conflict and compatibility between classical Confucianism and modern democracy. Unlike the writings of many Confucian democrats and Confucian meritocrats, this thesis is not primarily a defence of the superiority of any particular form either of Confucian meritocracy or of Confucian democracy. This thesis intends to philosophically reconcile Confucian meritocracy and modern democracy, by exploring the viability of a Confucian meritocratic form of democratic government: Confucian Meritocratic Democracy, or CMD.

This exploration is mainly a philosophical thought experiment, rather than a rigorous exploration of the feasibility of CMD in modern societies. The actually-existing Confucian meritocratic political institutions will be discussed, but such discussions will play a relatively minor role in this thesis. The reasons for this are as follows:

[10] The eminent contemporary Confucian political philosopher Daniel Bell has put forward a strong defence of Confucian meritocracy, while simultaneously critiquing democratic ideals (Bell 2000, 2006, 2008, 2010, 2012). He argues that there is a very high risk that most voters in a large, democratic state will be short-sighted, and lack even a basic knowledge of politics. He is also sceptical of how far democratically elected political leaders are inclined to prioritise the common good; rather than their own interests, or that of their party (Bell 2012). However, Bell arguably goes too far in his critique of modern democracy, and in his defence of the contemporary Chinese political system; as exemplified by his latest book, *The China Model: Political Meritocracy and the Limits of Democracy*. The position he takes in this book appears one-sided; however, some of his arguments are engaging and insightful and will be referred to at various points in this thesis.

Firstly, it must be conceded that the kind of CMD envisaged in this thesis is an ideal form of government, which has never been practised in human history. CMD is the product of a philosophical thought experiment; the feasibility of CMD must be weighed against some rigorous empirical studies of existing democratic government that exemplify Confucian meritocratic ideals and practices. Given the complexities of real-life political practice, a speculative account of CMD is limited in its ability to forecast how far such a political system may be applicable in modern societies.

However, as the following chapters will make clear, the discussion of CMD in this thesis can still provide theoretical tools for tackling some real political problems in modern societies; even if, for the sake of argument, CMD should turn out to be unfeasible in practice. The Confucian conceptions of political authority, political rights and political equality do have the potential to reflect the aspirations many citizens cherish for adequate normative standards, which can be of assistance in evaluating political decisions made in modern societies.

Secondly, because of the influence of Confucianism, there were many meritocratic institutional arrangements in Imperial China; such as the *Keju* and the Imperial Academy. As discussed in the subsequent chapters of this thesis, these institutional arrangements had some success in fostering a number of relationship-based virtues in Chinese society, and they did make a positive contribution to the Chinese way of life. However, Confucian political thought and the associated meritocratic institutional arrangements have exerted some negative influences as well. The history of Imperial China (221BCE-1912CE) shows that Confucianism was historically bound up with an endorsement of Chinese despotism or autocracy.

Hsiao Kung-Chuan explores the origin of autocracy in the history of Imperial China. He points out that the political views of Confucius 'were conservative. Herein too, lies an important reason for the favour that Confucian doctrines found in the eyes of later autocratic emperors' (Hsiao 1979: 98). Because of this, some scholars claim that Confucianism is an obstacle to modern democratic values, as they consider Confucian political thought to be oriented towards authoritarianism, elitism or the rule of man (Roetz 1999, Lin 1999, Deng 1995, Lee 1992, Lee 1996).

More specifically, in Imperial China, most emperors were not intellectually and morally superior to the general population; some were even self-indulgent tyrants. Confucianism advocates many relationship-based virtues, such as filial piety, fraternal respectfulness, sincerity, truthfulness and various rituals. However, such virtues were often wielded by unscrupulous emperors and government officials as ideological instruments for buttressing the power of these rulers, and for securing absolute obedience from the ordinary citizens (Xu 2004: 155-208).[11]

Besides this, the primary purpose of most meritocratic institutional arrangements in Imperial China was to select talented officials who were able to better support the rule of the emperors. It was the emperors who were the final authority over the selection and promotion of government officials. Thus, to some extent, the meritocratic institutional arrangements of Imperial China contributed towards Chinese despotism and assisted in maintaining the hierarchical characters of Chinese societies. Because of this, it is not reasonable to defend the viability of Confucian meritocracy purely on the basis of the historical contributions made by some Confucian meritocratic institutional arrangements.

Thirdly, many political philosophers have tried to argue that some non-liberal forms of government may be better than liberal forms of government. For example, Alasdair MacIntyre, Michael Walzer, Michael Sandel, Charles Taylor and other communitarian political philosophers have provided various arguments in favour of the Aristotelian ideal of reciprocity. The latter value is premised upon a community in which members value their social roles and attach great importance to the interests of the community (Sandel 1981, Walzer 1983, MacIntyre 1984, Taylor 1989). However, these scholars sometimes make insufficiently convincing arguments, in their attempts to justify non-liberal systems. This is certainly true of their attempts to defend pre-modern communitarian concepts, as ideals that are both relevant and applicable to modern societies. It is also true of the examples they provide of actual existing non-liberal systems, many of which are themselves deeply flawed; such as the Indian caste system (Walzer 1983: 313).

[11] Xu Fuguan 徐複觀 argues that since the Han dynasty (206 BCE-220 CE), there had been a tendency for some Confucian scholars to revise the Confucian classics for the purpose of pleasing the emperors. It was these scholars who over-interpreted the classic sense of filial piety and created the strong association between filial piety and loyalty to the emperor (Xu 2004: 180-200).

Some contemporary Confucian meritocrats, such as Jiang Qing 蔣慶, Daniel Bell and Bai Tongdong 白彤東, are known for their criticisms of liberal democracy and their efforts to defend the significance of Confucian meritocracy in modern societies. These scholars are likely to face a similar problem to the one just mentioned, in relation to communitarian philosophers (Bai 2012a, b, Jiang 2012, Bell 2016). If relatively controversial or misguided examples of meritocratic institutional arrangements are held up as examples of Confucian meritocracy, such as those of Imperial China or of some modern-day East Asian countries, this risks making any defence of Confucian meritocracy problematic and unconvincing. To evade this pitfall, the following chapters are devoted mainly to a rigorous theoretical consideration of the viability of CMD, by way of a philosophical thought experiment. The desirability of any actual existing meritocratic political systems, while an important topic for future researchers to explore, will be treated as a secondary empirical consideration in this thesis.

1.3 A Note on the Central Claim and Scope of the Thesis

The central claim of this thesis is that classical Confucianism has the potential to offer a political theory. Even though such theory appears to diverge from some normative democratic principles, it is compatible with the practical aims of democracy. It is necessary, for the purpose of clarity, to explain some of the key terms in this claim.

1.31 Classical Confucianism

In this thesis, classical Confucianism is considered to be a kind of 'political philosophy' promoted by the early Confucians: Confucius, Mencius and Xunzi. However, political philosophy is a term from Western academia, and it is itself a contested category. Even if many ideas in classical Confucianism are commonly considered as having analogues in Western political philosophy, such Confucian ideas do not necessarily correspond with their Western counterparts directly. Hence, this thesis will use the term 'classical Confucianism' to refer to the political and philosophical thought of early Confucians, rather than 'early Confucian political philosophy.'

This thesis is mainly focused on classical Confucianism for the following reasons:

Firstly, classical Confucianism is faithful to the ideas of early Confucians, as found in the Confucian classics. It is somewhat more 'original' or 'authentic' than other schools of Confucianism, such as the Neo-Confucianism of the Song and Ming dynasty. Since the death of Confucius, the ideas found in the Confucian classics have been reinterpreted and modified, in line with many different theoretical tendencies and perspectives. Accordingly, many various commentarial traditions have developed within Confucianism.

On the one hand, it is often the case that a key idea associated with a particular passage in the Confucian classics has retained a certain stability of meaning over time. On the other hand, the deeper significance of the idea in question can resonate in different ways with different Confucian scholars, and can also play widely varying roles within Confucian thought as a philosophical system; as well as within Chinese culture more broadly. Even though early Confucians were capable of creating some of the core ideas found in the Confucian classics, they have not been able to direct the development of these ideas; for these have become part of the unfolding intellectual history of China. It is widely accepted that in the history of the development of Confucianism, some of the political ideas found in classical Confucianism have been redefined and even distorted for certain instrumental purposes.

Secondly, from the perspective of analytic philosophy, classical Confucianism is less 'metaphysical' than the Neo-Confucianism of the Song and Ming dynasties, or the New Confucianism of the twentieth century. At the time of classical Confucianism, the Confucian teachings had not yet been translated into the metaphysically-charged philosophical discourse of later times. Therefore, classical Confucianism has a more direct and intimate relationship with certain fundamental philosophical problems. Because of this, it is reasonable to characterise classical Confucianism as the kind of Confucianism that is more accessible to people with widely varying philosophical views or 'comprehensive doctrines.'[12] In terms of the formal structure of its writings, classical Confucianism also has more of a dialogical emphasis, especially in *Mencius*.[13] This dialogical format has the potential to make classical Confucianism a philosophically

[12] Following John Rawls, a 'comprehensive doctrine' means a system of philosophical, moral and religious beliefs about the good life: a comprehensive explanation of how to live a good life, what kind of virtues should be valued most and what kind of relationships citizens should have (Rawls 1996: 59).

[13] It is true that there are many dialogues in the *Analects* and the *Xunzi*. However, in these texts, Mencius and Xunzi play the role of people who know the truth already; the other participants are merely their students, who play the role of passive listeners.

satisfying field of inquiry for those who believe that argumentation is the best path towards serious philosophical reflection.

Thirdly, classical Confucianism is more concerned with political ethics, in comparison to later Confucian traditions. This is especially true of the idea of *Ren* 仁. Lin Anwu 林安梧 points that the political thought of early Confucians saw a degeneration of the political ethics of *Ren* into an ethics of the absolute authority of rulers. This degeneration is what Lin calls the 'fallacy of the misplaced Dao' (Lin 2003: v-xiii). Lin argues that the original ideas of early Confucians were established upon 'kinship-based personalistic moral connections' (Lin 1996: 17-32). Because of the influence of imperial rule which was created 220 years after the death of Confucius, classical Confucianism was incorporated into an ideological system, and the 'kinship-based personalistic moral connection' was transformed into a 'domination-based political connection.' Thus, classical Confucianism became an instrument for political and social control (Lin 2003: 119-156).

That is to say: the political ethics of *Ren* in classical Confucianism became the principles of submission to authority, in the name of *Ren*, or Heavenly Reason (*tianli* 天理). The common citizens were compelled to meet the requirements of *Ren*, rather than the rulers; they were asked to renounce their personal interests and desires, in order to benefit the community or the state. This resulted in what the Confucian scholar Dai Zheng 戴震 (1724-1777 CE) calls the phenomenon of 'killing people in the name of Confucian Heavenly Reason' (*yili sharen* 以理殺人) (Lin 1995: 95-121).

It would thus appear that the later development of classical Confucianism falls short in its representation of the political ethics of classical Confucianism; and in particular, of early Confucian ideas about *Ren* government (*Ren zheng* 仁政). After the Han dynasty (206 BC–220 BCE), many emperors and their 'official' scholars wielded classical Confucianism as an ideological instrument of statecraft. This is the main reason for the attacks levied against classical Confucianism in recent times. However, even if the later development of classical Confucianism substantially assisted Chinese despotism, this does not prove that classical Confucianism is itself detrimental to modern political values.

1.32 Political Confucianism

Some Confucian scholars might worry that this thesis will fall into placing an undue emphasis on the political dimensions of Confucianism. They might argue that as this thesis represents an attempt to develop a political theory from classical Confucianism, it is actually an attempt to politicise Confucianism. Any politicisation of Confucianism appears to be problematic. This is because, in Confucianism, there is rarely any clear separation of independent political principles from ethical thought (Needham 1956: 9). Moreover, some Confucian scholars argue that Confucian ethics plays a much more fundamental role in Confucianism than that of Confucian political thought (Hsiao 1979: 113, Roetz 1993: 77, Liu 2006: 187, Goldin 2011: 20). For example, Sor-hoon Tan contends that in classical Confucianism, politics is subordinated to ethics (Tan 2012: 295). Joseph Chan argues that some of the most fundamental Confucian concepts, such as '*Ren* 仁' and '*Li* 禮,' are 'ethical norms,' rather than 'political norms;' even though, in the Confucian classics, these ethical norms are sometimes applied to specifically political contexts (Chan 2014: 49). Some scholars criticise the politicisation of Confucianism because, in their view, Confucian political arrangements conflict with modern values. Li Minghui 李明輝 even argues that contemporary Confucian studies of Political Confucianism (*zhengzhi ruxue* 政治儒學) are meaningless, especially in modern democratic societies (Li 2015).

However, this thesis considers Confucian political thought to be no less important than Confucian ethical thought for several reasons.

Firstly, the classics of the early Confucians rarely separate discussions of political norms from discussions of ethical ideas. Because of this, it is unclear whether early Confucians recognise any clear distinction between the maintenance of political order and the moral edification of the citizens. However, if one pays close attention to the apparent intentions lying behind the ethical proposals of early Confucians, it appears that political concerns are no less important than moral concerns.[14] For example,

> Someone said to Confucius, 'Why are you not engaged in governing?' Confucius replied, 'The *Classic of Documents* (*Shu* 書) says, 'Oh! Simply by

[14] See *Analects* 1.10, 2.21, 6.8, 13.3, 15.32, 16.2, 19.13, 20.2. *Mencius* 2B5, 2B13, 3B1, 7B3, 7B4, 7B13, 7B29, 7B 32.

> fulfilling filial and brotherly duties, a man can influence the government." In so doing, a man is actually engaged in governing.' (*Analects* 2.21)
>
> Those who are well-educated should apply themselves to be government officials. (*Analects* 19.13)
>
> Mencius said, 'Heaven does not yet want to bring peace and order to the world. If it wanted to bring peace and order to the world, who is there in the present age to bring it about, apart from me?' (*Mencius* 2B13)
>
> Mencius said, 'The principles to which the *Junzi* adheres are for his own personal practice; but through them, peace and order are brought to the world.' (*Mencius* 7B32)

Based on her reading of the Confucian classics, Louban El Amine contends that for early Confucians, 'political order, not moral edification, is the end and that political order is an end in itself, not a means toward virtue' (Amine 2015: 15). Even if the establishment of political order is not the key objective of the early Confucians, it must be acknowledged, as per Benjamin Schwartz, that there are two dimensions of Confucian education. These are the ethical dimension and the political dimension. The ethical dimension of Confucian education serves the purposes of self-cultivation (*xiu shen* 修身). The political dimension of Confucian education serves the purpose of 'bringing peace and order to the world' (Schwartz 1959: 52). Even though in classical Confucianism the ethical dimension is logically prior to the political dimension, this does not imply that the former is prior in importance to the latter.

Secondly, as discussed above, there are two traditions in Contemporary Confucian studies: Spiritual Confucianism (*xinxing ruxue* 心性儒學) and Political Confucianism (*zhengzhi ruxue* 政治儒學). Spiritual Confucianism, which originated from the Neo-Confucianism of the Song (960-1279) and Ming (1368–1644) dynasties, is still the main focus of 'Hong Kong and Taiwan New Confucianism.' Political Confucianism, which was first established by Dong Zhongshu 董仲舒 (179-104 BCE) and later revived by Kang Youwei 康有為 (1858-1927), has been revitalised by 'Mainland New Confucianism.'

In recent years, the question of which tradition is more fundamental or more historically significant is widely debated among contemporary Confucian scholars (Li et al. 2016, Huang 2016, Wang 2017, Chan 2014, Amine 2015, Rosemont Jr 2015, Bell and Li 2013, Bell 2012, Bai 2012a, b, Angle 2012). However, to deny the propriety of any political tradition in Confucian studies is often deemed unacceptable, especially on the part of many contemporary Sinophone Confucian philosophers in mainland China (Jiang 2003, Gan 2003, 2012, Chen et al. 2013). Some Anglophone Confucian political philosophers also support Jiang Qing's approach of Political Confucianism and oppose the depoliticisation of the *Analects* (Bell 2010: 176).

This thesis acknowledges the risks of excessively politicised reading of the Confucian classics; it is also sceptical of any attempt to artificially impose modern political concepts upon Confucianism. However, if Confucianism is ever to fulfil its potential to make a positive contribution to the modern societies of today, it is very much worthwhile for contemporary Confucians to develop a political theory which can critically preserve core Confucian values while responding constructively to the challenges posed by modern democratic theories.

1.33 Two Definitions of Democracy

No two Confucian scholars have precisely the same understanding of Confucianism; there is also no agreed definition of democracy. Most Scholars who compare early Confucian political thought with democratic theories often use their preferred definition of democracy as a means of buttressing their positions. Because of this, it is essential to provide an adequately concise definition of democracy; so that the arguments in this thesis can be more acceptable and persuasive.

For the purposes of this thesis, it is necessary to distinguish between normative and empirical definitions of democracy. Normative definitions of democracy are more common in political, philosophical studies on democracy than in discussions of democracy conducted by political scientists. In the context of political philosophy, democracy is often defined as a procedural concept which is founded upon some normative democratic principles, including those regarding political authority, political equality and political rights. These democratic principles are context-insensitive and are related to particular democratic beliefs in the intrinsic values of democracy, such as the

fairness of the democratic procedure. Such values have been represented by many prominent political philosophers: among these are Aristotle, John Locke, Jean-Jacques Rousseau, John Stuart Mill, Alexis de Tocqueville and John Dewey. Chapters 3, 4 and 5 will discuss in more detail the normative democratic principles incorporated in the normative definitions of democracy. Hence, this chapter will not elaborate any further upon the topic of normative definitions of democracy.

Empirical definitions of democracy, as commonly applied by political scientists, are mainly concerned with democratic institutional arrangements in political practice. Such definitions are often related to the instrumental values of democracy, rather than its intrinsic values. It should be made clear at this point that it is a fallacy to conflate empirical definitions of democracy with normative definitions of democracy, even if many political theorists have done so. Such a conflation often confuses what democracy actually is in practice with what is theoretically appealing about democracy. To make this error is as much as to imply that any endorsement of democratic institutional arrangements can only be premised upon certain normative democratic principles; and that such arrangements cannot conceivably be justified on the basis of any other plausible normative principles.

Moreover, it is inappropriate to only consider normative definitions of democracy, and to ignore empirical definitions; even in a purely philosophical study of democracy. Normative and empirical definitions both have the potential to provide a variety of distinct points of view, in order to illuminate the various features of democracy. However, unlike normative definitions of democracy, empirical definitions of democracy carry little normative weight and mainly focus on the context in which political practice occurs. For this reason, empirical definitions of democracy can serve as a clearer guide for distinguishing democracy from other forms of government than normative definitions, especially in the context of real political practice. One example of an empirical definition of democracy is offered by Joseph Schumpeter, who says that democracy is a system 'for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote' (Schumpeter [1943] 2003: 250). This is a parsimonious definition, and yet it does provide a concise description of the common characteristics of most, if not all, democracies.[15] It also contributes towards the

[15] Schumpeter believes that his definition of democracy serves as 'a reasonably efficient criterion by which to distinguish democratic governments from others' (Schumpeter [1943] 2003, 250).

‘proliferation of various substantive conceptions of democracy in which competitive election, the minimum requirement of democracy, is entwined with various forms of institutional arrangements and social practices’ (Kim 2017: 238).

It is perfectly possible for scholars to remain unconvinced that the existence of competitive elections is the minimum requirement of democracy; particularly when they consider the political practices of a few ‘transitional countries’ (Carothers 2002: 13). Hence, for the purposes of this thesis, an even shorter empirical definition may be more appropriate: democracy is ‘rule by the people.’ Here, the word ‘rule’ means that the people as a whole choose their rulers and have certain control over policymaking. This can be accomplished either directly, by means of a referendum or other purely democratic procedures; or indirectly, through representative democratic procedures.

This short empirical definition is not a comprehensive definition, but it is appropriate for the purposes of this thesis. This is not only because such definition is easy to operationalise but also because it provides a clear and necessary condition for determining whether or not a particular political system can be called a democracy. Moreover, this minimal, empirical definition carries no normative weight, and is thus compatible with any kind of democracy, in any context. For the same reason, ‘democratic institutions’ or ‘democratic procedures’ in this research will be understood in the minimal sense of fair and free practices. These practices serve the purpose of facilitating the equal participation of all citizens in the political decision-making process (Beetham 1992).

1.34 Two Approaches towards Justifying Democracy

Contemporary democratic theories are marked by two different approaches towards justifying the superiority of democracy. One is the empirical approach or the epistemic approach, which seeks to justify the instrumental values of democracy in political practice. The other is the normative approach or the non-epistemic approach, which focuses on the intrinsic values of democracy.

Scholars who follow the empirical approach emphasise the practical aim of democracy, which is to serve the well-being of all citizens (Kolody 2014a: 202-203). They attempt to justify the superiority of democracy by arguing that in the long run, democratically made political decisions can better achieve such practical aim than the political decisions that

have been made in an undemocratic manner (Riker 1982, Sen 1999a, Elster 1997, Boix 2003, Arneson 2004, 2009, Landemore 2013).

It is necessary here to clarify two concepts relating to this empirical approach. Firstly, 'democratically made political decisions' are political decisions that have been made in a democratic procedure. In such a procedure, each citizen enjoys an equal and positive opportunity to exert an informed influence over the political decisions relating to one's own well-being.

Secondly, 'to serve the well-being of all citizens' represents a very complex area of discussion. This is because there are many different possible interpretations of the phrase 'well-being.' The term 'well-being' could be considered as referring to the benefits experienced by citizens from an objective perspective, rather than from their own subjective perspective. Alternatively, it may relate to a fair distribution of the means of pursuing one's own plan of life. Another possibility is that the improvement of the well-being of the citizens depends upon a particular vision of justice (The meaning of 'well-being' will be further discussed in the following chapters).

In order to prove that democracy can achieve its practical aim of serving the well-being of all citizens, scholars who take the empirical approach to justify the superiority of democracy often argue that democracy is in a position to ensure either that relatively good policies are passed, or that relatively good political representatives are elected. Therefore, a democratic form of government can prevent 'substantial famine' (Sen 1999b:178-180, 2009:342-345), and reduce social and economic inequality (Boix 2003).

More specifically, some scholars indicate that democratic political authority is legitimate, insofar it is 'generally accepted,' and is thereby capable of coordinating the various complex social interactions in which the citizens are engaged. Thus, in a pluralistic society, democracy is in a better position to resolve moral and political conflicts than any alternative form of government. It thus reduces the possibility of social and political upheaval or revolutions and enhances social stability (Elster 1997, Przeworski 2003, Hardin 2003, Knight and Johanson 2011). Consequently, democracy helps to establish a responsive and harmonious state.

Some scholars argue that under a democratic system, every citizen has political rights which permit them to participate in political decision-making. Thus, political decisions that have been made democratically are capable of incorporating a wide range of diversified perspectives (Knight & Johnson 2011, Landemore 2013). The democratic process of political decision-making also motivates the public to care about the opinions and interests of the majority of the citizens. Democratic political rights are thus able to protect the interests of most citizens from being infringed by those who have political power.

Other followers of the empirical approach contend that democratic procedures treat every citizen with equal respect. The equal participation of all citizens in the democratic procedures is educative, and it helps to improve the characters of the citizens; i.e. their autonomous capacities and moral qualities (Mill [1861] 2003, Elster 1997). Democracy thus treats all citizens with equal respect, in spite of any inequality of social status, or any difference in actual capacities.

There are several problems with the empirical approach towards justifying the superiority of democracy. Firstly, in a philosophical thought experiment, it is not difficult to prove that an ideal meritocracy is better able to promote the well-being of the citizens than an ideal democracy. Those who are familiar with the arguments found in *The Republic* can imagine that in ideal situations, the will of the 'philosopher king' from Plato's Utopian Kallipolis will be able to make political decisions that are substantively better than anyone else's. Similarly, it is not difficult to conceive of a scenario where the capabilities of intellectually and morally superior technocrats will prove relatively reliable engines of political decision-making.

Secondly, when considering real political practice, it would be inappropriate to merely use a large number of empirical studies, in order to justify the superiority of democracy to other plausible forms of government. The impropriety partly lies in the fact that many positive and negative examples of political decisions that have been made via modern democratic procedures are potentially tendentious. The other reason for this is that some plausible forms of government are ideal projects which have never been realised in human history up to now.

Thirdly, there are wide disagreements about questions such as: ‘What does the well-being of the citizens mean?’ ‘Which political decisions would best serve the well-being of the citizens?’ ‘Which standard should be applied, or who is the ultimate authority in answering these questions?’ On account of such disagreements, it seems unlikely that the empirical approach alone can serve as an adequate means of justifying the superiority of democracy.

Judging by discussion just given of the empirical approach, it is reasonable to say that the practical aims of democracy are to serve the well-being of all citizens by establishing a responsive and harmonious state; protecting the interests of most citizens from being infringed by those with political power and treating every citizen with equal respect. However, it is extremely difficult to justify the superiority of democracy purely by arguing that democracy can better achieve such practical aim than all other plausible forms of government.

Unlike the empirical approach, the normative approach towards justifying the superiority of democracy is primarily concerned with democratic procedures, rather than with the content of the political decisions that have been made via such procedures. Even if democratic procedures are capable of producing political decisions that have various instrumental values, scholars following the normative approach believe that the superiority of democracy is not justified by such instrumental values; but rather by the intrinsic values embodied in the democratic procedures. Many scholars contend that democracy is intrinsically valuable because of its egalitarian procedures, independently of whether or not its institutional arrangements always lead to desirable consequences in practice (Beetham 1999, [1991] 2013, Brighouse 1996,1997, Cohen 1997, Christiano 2004).

For example, Brian Barry argues that ‘democracy contains no constraints on the content of the decisions produced, such as respect for human rights, protection of individual liberty, the rule of law, concern for the general welfare, or economic equality—except those required by democracy itself as a procedure’ (Barry 1989: 25). In short, according to the normative approach, democracy is justified, insofar as political decisions that are made in ‘one person, one vote’ are the outcomes of the political autonomy of all citizens (Richardson 2002).

It appears that one may incur some theoretical and practical risks, whenever applies a purely normative approach towards justifying the superiority of democracy. Theoretically speaking, the normative approach risks rendering many valuable, admirable and substantively good standards for evaluating political systems, such as the public interest or the common good, either deficient or nonsensical. This will be discussed in detail in Chapter 2 and Chapter 5. Also, in practice, the normative approach risks overestimating the degree to which the intrinsic values of democracy, such as procedure fairness, may be important and attractive for citizens. This is particularly true of those who do not have a Western cultural background. Sungmoon Kim has discussed democratic countries or regions in East Asia, such as South Korea and Taiwan; these areas are deeply influenced by Confucianism. Kim argues that in most of these areas, citizens 'initially pursued democracy mainly for instrumental reasons.' Also, during the period of democratisation, 'nonliberal people, whose cultural and political tradition is completely foreign to democracy,' advocated democratic institutional arrangements without believing in, or even having any basic knowledge of, the intrinsic values of democracy (Kim 2017: 240).

The rest of this thesis will elaborate upon the empirical approach and the normative approach towards justifying the superiority of democracy. I will show that the intrinsic values of democratic procedures are themselves embodied in some normative democratic principles which are related to political authority, political rights and political equality. This thesis intends to argue that these normative democratic principles are not self-evidently valid; even though CMD does not adopt such normative democratic principles, it is nonetheless compatible with the practical aims of democracy.

1.4 A Philosophical Approach to Study Classical Confucianism

Essays on Confucianism tend to exhibit an approach that is noticeably distinct from essays of political philosophy. The approach of Confucian studies is usually more historical and interpretative, and less analytical and normative. Essays written by Confucian scholars are always filled with idioms and historical references, which are often obscure to political philosophers who are less familiar with the Confucian classics. Therefore, this thesis will investigate some early Confucian political ideas that are intriguing both to modern Confucian scholars and to Western political philosophers. In order to accomplish such an objective, this thesis adopts a philosophical approach to study classical

Confucianism. More specifically, this approach includes the strategy of *jiezhejiang* and follows the New Text School. It also uses the strategy of Hermeneutic of Restoration.

1.41 Jiezhejiang

The twentieth-century Chinese philosopher Feng Youlan 馮友蘭 has distinguished between two different approaches to studying classical Confucianism. The first is *zhaozhejiang* (照著講); i.e., studying classical Confucianism in order to create an accurate picture of what it was and what it meant at the time. The second is *jiezhejiang* (接著講), i.e., studying it against an ever-changing context, and treating it as a dynamic, ongoing tradition (Feng and Mair 2000: 200). It is important to recognise the importance of the historical insights brought by *zhaozhejiang*. However, this thesis relies more on the more philosophically creative approach: *jiezhejiang*

Confucian philosophers always face a dilemma when trying to choose between these two approaches. *zhaozhejiang* is extremely time-consuming. This is not just because there is already a vast body of Confucian classics. There is also an inexhaustible supply of in-depth interpretations of these classics, as penned by generations of Confucian scholars from the time of Confucius until now. For today's Confucian scholars, it can easily take a lifetime of study to gain a truly comprehensive understanding of just one Confucian classic. On the other hand, *jiezhejiang* provides an excellent opportunity to satisfy the desire of many contemporary Confucian philosophers. It offers every scholar the chance to make a serious contribution to the further development, revitalisation and creative reconstruction of Confucianism. It has the potential to assist researchers to discover some practical Confucian solutions for present-day social and political problems.

Admittedly, Confucian scholars from history or classics departments often have concerns about the kind of creative reconstruction of Confucianism that is likely to result from research using *jiezhejiang*. They may worry that such reconstructions risk misinterpreting or distorting some of the core values of Confucianism; they believe that the end result of such reconstructions will be a reformed 'Confucianism' that is no longer Confucian in any meaningful sense of the word. Such scholars believe that only a reliable *zhaozhejiang* can make it possible to evade the risk of 'incorrectly' interpreting the 'real and original' Confucianism.

However, such a view rests on the premise that scholars are somehow in a position to study the 'real and original' Confucianism; in a manner independent of their way of thinking, cultural background and socio-political environment. It further assumes that there is a direct correspondence between how thoroughly one investigates the Confucian classics, and how well one understands the views of the early Confucians. In other words, by discovering and correcting the misunderstandings found in the interpretations of the Confucian classics made by earlier Confucian scholars, it is possible to overcome the distance between the scholar of today, and the 'real and original' ideas of early Confucians. However, these assumptions are limited both in their validity and in their applicability to this thesis.

On the one hand, it is difficult to achieve a pure *zhaozhejiang* in reality. This is easy to understand when one considers how personal and cultural factors inevitably have influenced the generations of Confucian scholars that have interpreted the Confucian classics. Everyone who undertakes to interpret the Confucian classics must be more or less influenced by various conscious or unconscious presuppositions. Because of these presuppositions, every person's reading of the Confucian classics is a culturally and personally conditioned interpretation. Therefore, it is extremely difficult for anyone to study the 'real and original' ideas of early Confucians in reality.

On the other hand, it is impossible to use any standard to judge whether certain interpretations of Confucian classics are closer to the 'real and original' ideas of the Confucianism than others. According to Gadamer's hermeneutical philosophy:

> The real meaning of a text, as it speaks to the interpreter, does not depend on the contingencies of the author and whom he originally wrote for. It is at least not exhausted by them, for it is partly also determined by the historical situation of the interpreter and hence by the totality of the objective course of history. (Gadamer 1990: 301)

The Confucian classics were produced in a period where socio-political life was very different from that of the present day; so also was the general cultural environment. It is highly unlikely that anyone alive today could truly put oneself in the same situation as those chronologically distant early Confucians. Moreover, even if one could, any one

interpretation of Confucian classics cannot be considered as definitively close to the 'real and original' ideas of early Confucians.

Jiezhejiang takes the problem of temporal distance seriously. It is therefore capable of providing many positive and productive opportunities for revealing the hidden meanings, values and ethical commitments that might otherwise remain undisclosed by the *zhaozhejiang* that were so typical of the Confucian scholars of times past. This thesis will use *jiezhejiang* not only because it is more philosophically creative, but also because it is of assistance in rendering classical Confucianism relevant to the globalised world of today. Moreover, *jiezhejiang* is a valuable means for uncovering novel approaches that are capable of deciphering the Confucian classics; texts which can often appear suggestive but obscure to the contemporary reader.

1.42 New Text School

The strategy of *Jiezhejiang* conducted in this thesis will treat Confucius as a political philosopher rather than a historian. The Confucian classics will be studied, first and foremost, as philosophical texts rather than historical records. Whether Confucius was a political philosopher or a historian has always been a controversial issue. Since the Han dynasties, this issue has been a critical marker of the debates between two Confucian interpretative schools: Old Text School (*guwen jingxue* 古文經學) and New Text school (*jinwen jingxue* 今文經學).

The Old Text School suggests that Confucius is an established historian and that the classical texts that Confucius or his students wrote are historical texts; such texts faithfully convey and reflect upon ancient traditions. In the *Analects*, Confucius says, 'I transmit (*shu* 述) rather than innovate (or create, *zuo* 作). I trust in and love the ancient ways' (*Analects* 7.1). Most scholars of the Old Text School treat this passage as obvious evidence that Confucius is a historian or a traditionalist. By contrast, the New Text School regards Confucius as a political philosopher or a semi-divine Philosopher-King. Most scholars of the New Text School believe that Confucius gave a specific *imprimatur* to the legitimacy of the Han dynasty and laid down the laws that all later dynasties must follow.

The earliest debates between these two schools were primarily focused on two important textual questions: which of the two competing versions of the Confucian classics were the true originals? Also, how ought one to interpret the Confucian classics? (Yao 2013: 240-241, 305-307). It would be inappropriate to examine this debate in substantial detail here; what is most important to note is that this thesis follows the New Text School. This thesis is mainly concerned with the philosophical meaning and implicit values found in certain texts from the Confucian classics, and the various complex interrelations between such elements. The research is not orientated narrowing down the literal meaning of certain parts of a text, such as specific individual words or characters.

This kind of approach offers substantial hope of solving some of the apparent contradictions found in classical Confucianism. This is a very important benefit of following the New Text School; because, in the *Analects*, Confucius does not always speak with a single or univocal voice. He often gives different answers to the same questions and expresses his ideas differently in different contexts; depending on which disciple he is talking to, and what situation he is dealing with.[16]

When facing apparently confusing and contradictory passages in the Confucian classics, one ought not merely to take such contradictions seriously, but even to actively seek them out. Moreover, it is unreasonable to rush into frivolous claims such as 'Confucius was not honest,' 'Mencius failed to see the contradictions in his thought,' or 'Xunzi's thoughts changed over time.' Rather, a cautious attitude towards such apparent contradictions is a strict necessity, as these contradictions are very likely the most significant parts of the classics.

This cautious attitude is founded upon a basic principle of respect. Since pre-Qin China, there have not been many genuinely superlative thinkers in Chinese history; this is why Confucius is called 'the great sage and teacher of ten thousand generations' (*wanshi shibiao* 萬世師表). Such an attitude of respect or hermeneutical charity is very different from a blind faith in authority. It requires that Confucian scholars should have a very reliable case before making potentially facile criticisms about the early Confucians being muddled thinkers or being somehow inconsistent in their own opinions. Instead, it is

[16] See *Analects* (11.22, 8.13); (5.7, 11.25, 18.6); (3.22, 14.9, 14.15—14.17).

worth examining whether there may be a hidden and deeper coherence beneath the apparent discrepancies (*weiyan dayi* 微言大意).

1.43 Hermeneutic of Restoration

In order to unveil the suggestive meanings and hidden values of the Confucian classics, this thesis employs the *liujing zhuwo* 六經注我 (Hermeneutic of Restoration) rather than *wozhu liujing* 我注六經 (Hermeneutic of Suspicion). The literal meaning of *liujing zhuwo* (Hermeneutic of Restoration) is 'letting the text address my concerns.' The corresponding literal meaning of *wozhu liujing* (Hermeneutic of Suspicion) means 'I address the text.' The prominent Neo-Confucian scholar Lu Jiuyuan 陸九淵 (1139-1193) of the Song dynasty famously made this distinction between two kinds of approaches towards addressing the Confucian classics.

Those following the Hermeneutic of Restoration endeavour to interpret a classic text by finding the subconscious motives that have apparently directed and influenced the composition of the text on the part of the 'Master.' The discussion of such motives is distinct from or even irrelevant to the question of how convincing or well-evidenced the interpretations of the previous commentator may be (Li 2006: 102).

Most of the Confucian classics do not rely on step-by-step argumentation; instead, the use of aphorisms is a common structural feature. However, the textual analysis in this thesis is not conducted under the assumption that the authors themselves were unaware of the true intentions underlying the texts they were producing. The task of interpretation is to listen carefully to the message, while simultaneously treating the authors with respect. The message need not always be transparent or univocal; its claim to truth, whatever this may be, might easily appear to be absurd; yet it is nevertheless a message worth taking seriously (Zhang 2003: 6).

To sum up: this thesis attempts to faithfully and respectfully explain the original meaning of some of the Confucian classics, while simultaneously conducting a philosophically creative transformation. This will facilitate the development of a political theory which is capable of critically and authentically conserving the treasures of Confucian moral

reasoning, while also shedding fresh light upon some modern political, philosophical theories.

1.5 Chapter Outline

The central argument of this thesis is that Confucian Meritocratic Democracy (CMD) is a viable form of government under certain conditions. CMD is founded upon Confucian conceptions of political authority, political equality and political rights. Such Confucian conceptions are compatible with the practical aims of their democratic counterparts while retaining the core moral, political principles derived from classical Confucianism.

Chapter 2 explores Confucian meritocracy by clarifying some key terms in classical Confucianism; these terms include *Junzi* and *Ren*. There is an explanation of why this thesis translates *Junzi* as 'Confucian *Ren* statesperson.' This chapter argues that *Ren* plays a crucial role in shaping and integrating Confucian moral reasoning with Confucian political principles. This chapter contends that in classical Confucianism, *Ren* should be understood as the totality of the relationship-based virtues that are needed in order to make reasonable political decisions. In reality, very few human beings can know and practice *Ren* with perfection. However, for early Confucians, everyone has an equal potential to meet the requirements of *Ren*. The Confucian *Ren* statespersons are those who have made great achievements in their self-cultivation, and who are thereby more capable than others to meet the requirements of *Ren*. In CMD, they are responsible for making reasonable political decisions that serve the well-being of all citizens. After this, there is a discussion of the three Confucian meritocratic beliefs: CMB1, CMB2 and CMB3. This chapter then engages with some potential objections to CMB1 and CMB2, by elaborating upon various political and philosophical questions pertaining to the pursuit of the political truths.

Chapter 3 elaborates upon CMB3 and develops a Confucian conception of political authority. CMB3 states that the political truths of *Ren* necessarily entail the kind of political authority of the Confucian *Ren* statesperson. This chapter argues that such political authority is indeed viable, despite its legitimacy being founded upon 'service' and 'reciprocity,' rather than upon the participation of all citizens in the political decision-making process. This chapter explores some of the most obvious challenges to the

political authority of the Confucian *Ren* statespersons, especially those regarding 'consent,' 'general acceptability,' individual autonomy and paternalism.

This chapter also demonstrates that the Confucian conception of political authority advocates non-coercive moral persuasion and helps all the citizens to make reasonable political decisions. Such a conception encourages a mutual commitment between political leaders and their fellow citizens, as well as mutual trust between citizens. Therefore, the Confucian conception of political authority is compatible with the practical aim of the democratic conception of political authority, which is to establish a responsive and harmonious state.

Chapter 4 investigates the viability of a Confucian conception of political rights, arguing that early Confucians do not merely emphasise the reciprocal obligations of the citizens, but also respect their political rights. This chapter includes an exploration of some possible theoretical and practical problems with the individualistic assumptions of human nature. Such assumptions generally serve as a foundation for the normative democratic principle of political rights. The Confucian conception of political rights highlights the importance of the harmony found in local communities, and it is founded upon early Confucian views of human nature. Such views believe that human beings, by nature, are capable of being altruistic enough to sacrifice their own self-interest for the well-being of others.

According to the Confucian conception of political rights, every citizen in CMD has political rights to participate in making political decisions about 'strictly local' matters. The Confucian conception of political rights does not endorse the view that all citizens must have political rights to directly participate in making political decisions that will have a profound influence on the entire country. Therefore, the Confucian conception of political rights risks reducing the depth of political participation. However, this chapter argues that such conception is still viable insofar as it bears a 'family resemblance' to the democratic conception of political rights. Both conceptions share the same practical aim, which is to protect the self-interest of the citizens from being infringed by those with political power. Moreover, with regard to the imperative of helping citizens to make reasonable political decisions and to promote their own self-interest reasonably, Confucian political rights have the potential to prove even more valuable than democratic political rights.

Chapter 5 elaborates upon a Confucian conception of political equality, which is mainly concerned with assuring equal participation in political reflections for all the citizens. This chapter argues that there are some theoretical and practical problems with the justification and operation of the democratic principle of political equality. The Confucian conception of political equality has the potential to avoid most of these problems. This is not only because such conception is founded upon the early Confucian ideas of the 'extension of love,' but also because such conception highlights the importance of moral equality by presuming the equal potential capacities of all the citizens. In political practice, the Confucian conception of political equality aims at treating all citizens with equal respect, regardless of any inequality of social status, or any difference in actual capacities. Such an aim is also the practical aim of the democratic conception of political equality.

This chapter further suggests that it is of great significance to help the citizens to realise their political values, and to promote equality of political influence. This being so, the equal participation of all the citizens in political reflections is more fundamental than the equal participation of all the citizens in the political decision-making process. This is because the former is more effective and efficient in helping citizens to realise their political values by assisting them in making reasonable political decisions as well as in treating one another as moral equals.

Chapter 6 discusses the viability of CMD on a practical level, by envisioning some democratic and meritocratic institutional arrangements in a CMD polity. These arrangements include Confucian civic education, Confucian Academy, Confucian Examination and Confucian Parliament. The Confucian civic education is not intended to instil specific moral beliefs into the citizens; instead, it aims at helping citizens with their own self-cultivation, so that they can develop certain relationship-based virtues. Those who have already finished the Confucian civic education and who are willing to participate in politics will be sent to the Confucian Academy for further political training. This will enable them to attain the 'merits' necessary to become the Confucian *Ren* statespersons. Candidates who wish to become the Confucian *Ren* statespersons are required to undergo a period of further assessment after passing the Confucian Examinations.

This chapter contends that any attempt to rely solely on the selection of perfect Confucian *Ren* statespersons would undermine the viability of CMD in modern societies. Some democratic institutional arrangements are also necessary for checking and balancing the meritocratic institutional arrangement in CMD; including the Confucian Parliament. It is acknowledged that the normative aim of CMD appears to be incompatible with modern democracy, as it advocates 'rule by the reasonable' rather than 'rule by the people.' This chapter argues that CMD and modern democracy both share the same practical aim, which is to serve the well-being of all citizens by preventing intellectually or morally incompetent political officials from assuming office.

In the **Conclusion chapter**, this thesis revisits the main claims and arguments of the preceding chapters, inter-relating them in order to show that this thesis is capable of making theoretical contributions to modern democratic theories. The final section also explores how far the theory of CMD has the potential to facilitate the democratisation process in mainland China.

2. Confucian Meritocracy and Ren

Early Confucians (Confucius 孔子, Mencius 孟子 and Xunzi 荀子) argue that while the state ought to satisfy the basic material needs of the citizens, the state should also provide every citizen with opportunities to gain a high-quality education.[17] However, early Confucians do not believe that state should guarantee the equal participation of all citizens in the process of political decision-making. Only the *Junzi* 君子 are supposed to acquire political authority.[18]

Classical Confucianism establishes high ethical standards for the *Junzi*; they ought to be benevolent, virtuous and knowledgeable. They also need to be in a position to always make reasonable political decisions that adequately serve the well-being of their fellow citizens.[19] If these *Junzi* exist and are willing to establish a '*Ren* government (*Ren zheng* 仁政),' there will be a harmonious society, in which everyone can live a flourishing life.[20] This Confucian political ideal is viewed by many as Confucian meritocracy (Bai 2012, Bell 2006, 2016, Bell and Li 2013, Fan 2010, 2013, Jiang 2013, Li 2012, 2013).

This chapter will explore Confucian meritocracy, by philosophically illuminating and reconstructing some key notions in classical Confucianism, such as *Junzi* and *Ren*. It will also elaborate upon some Confucian meritocratic beliefs pertaining to the political truths embodied in *Ren*.

2.1 The Junzi and the Confucian Ren Statesperson

The term *Junzi* 君子 appears with considerable frequency in the Confucian classics. Much of the English literature on Confucianism translates this as 'a gentleman,' 'an ideal man,'

[17] See *Analects* 13.9, 15.39; *Mencius* 1A7, 3A4; *Xunzi* 16.1, 27.52.
[18] See *Analects* 2.1, 15.32, 19.13; *Mencius* 2A3, 4A20, 7B32; *Xunzi* 6.9, 7.7, 23.18.
[19] See *Analects* 1.1, 1.2, 1.8, 1.14, 2.14, 3.7, 3.24, 4.5, 4.10, 4.11, 4.16, 4.24, 5.16, 6.18, 6.26, 6.27, 7.37, 8.2, 8.4, 12.4, 12.4, 12.5, 12.8, 12.15, 12.16, 12.19, 12.24, 13.3, 13.23, 13.25, 13.26, 14.23, 14.27, 14.28, 14.42, 15.8, 15.18, 15.19, 15.20, 15.21, 15. 22, 15.23, 15. 32, 15. 34, 15.37, 16.1, 16.6, 16.7, 16.8, 16.10, 17.4, 17.7, 17.21, 17.23, 17.24, 18.10, 19.3, 19.4, 19.7, 19.9, 19.10, 19.25, 20.2, 20.3. *Mencius* 1A7, 1B14, 2A9, 2B1, 2B3, 2B13, 3A2, 3B4, 3b7, 4b14, 4B18, 4B19, 4B22, 4B28, 5B7, 6B6, 6B8, 7A13, 7A20, 7A21, 7A24, 7A32, 7A37, 7A40, 7A41, 7A45, 7B24, 7B29, 7B32, 7B33, 7B37. *Xunzi* 1.1, 1.8, 1.13, 1.16, 2.12, 3.1, 3.2, 3.3, 3.4, 3.5, 3.9, 3.10, 4.9, 5.8, 5.9, 5.11, 6.14, 8.8, 8.11, 8.12, 9.3, 9.18, 12.1, 12.2, 12.3, 12.9, 13.5, 13.8, 14.1, 14.2, 17.9, 17.10, 18.38, 19.17, 20.7, 21.10, 21.15, 23.2, 24, 25.1, 27.21, 27.103, 28.8, 29.6, 30.3, 30.4, 30.7, 30.8, 31.6, 32.3.
[20] See *Analects* 8.2; *Mencius* 1A5, 2A3, 4A20, 7B32; *the Book of Rites* 禮記 *Liyun* 禮運.

‘a superior man’ or ‘a person of virtue’ (Yao 2000: 214). However, these translations are not fully adequate, insofar as they ignore the political connotations of this term in classical Confucianism.

In order to appreciate the significance of the term *Junzi* 君子 in classical Confucianism, it is necessary to understand what each character (*Jun* 君 and *Zi* 子) actually meant at the time of Confucius. During the early Spring and Autumn period (770 - ca. 475 BCE), *Jun* was defined as a King or a ruler of a state. *Zi* was often literally translated as ‘son.’ Thus, etymologically, *Junzi* meant a ‘son of the ruler;’ thus referring to a prince or the male offspring of the aristocratic class. However, at the time of Confucius (ca. 551 - 479 BCE), most noble lineages were constantly at risk of being overthrown. In order to secure their positions, most rulers claimed that their political authority was founded upon virtue, rather than upon the pedigree of the rulers themselves. ‘*Zi*’ was commonly used as a respectful suffix for those with superior morality and intellectual ability. These new developments were partly responsible for a crucial convention found within the Confucian classics: the tendency to endow *Junzi* with an ethically-orientated significance, rather than a purely classed significance (Pines 2002: 156-171, 2,04).

For Confucius, it is the *Junzi* alone who can fulfil the crucial function of governing the state, and of using their virtue to bring peace to the whole world (*Analects* 8.6, 8.7). On the one hand, the attributes of *Junzi* are covered by *Ren*. Confucius says that ‘a *Junzi* who parts company with *Ren* does not fulfil that name. Never for a moment does a *Junzi* quit *Ren*’ (*Analects 4*.5). On the other hand, there is a certain degree of authority embodied in *Ren*. Because of this, David Hall and Roger Ames translate *Ren* as ‘authoritative humanity’ (Hall and Ames 1987: 52). Therefore, *Junzi* embodies a certain kind of authority that attaches to *Ren*. For early Confucians, such authority does not in itself entail exclusive privileges for its bearers. In other words, the attribution of the word *Junzi* does not entail the possession of any inherited status. As the following chapters will make clear, early Confucians believe that every citizen has an equal potential capacity for becoming a *Junzi*.

Moreover, this thesis will investigate early Confucian ideas about the *Junzi* mainly in terms of Political Confucianism, as already stated in Chapter 1. In a Confucian political context, a good statesperson who successfully actualises his or her potential capacity to meet the requirements of *Ren* and to implement ‘*Ren* government (仁政),’ can be called

a *Junzi*. Thus, for the purposes of this thesis, the term 'Confucian *Ren* statesperson' may be a more appropriate option than other translations of *Junzi*, insofar as it reflects the political and ethical connotations of *Junzi*.

It is important to emphasise that the Confucian *Ren* statesperson in this thesis should be understood not as an elite who is socially superior to others, but rather as a well-educated person who has already made considerable success in moral self-cultivation; someone who leads his or her fellow citizens by means of their own virtuous conduct, thereby setting a good example for everyone else (*Analects* 2.20, 3.26, 12.17, 12.18, 13.1, 13.13, 13.6, *Mencius* 4A4, 4A20). This will be further discussed in the following chapters.

2.2 Ren in Classical Confucianism

It has been argued that *Ren* 仁 is the most important notion in Confucianism. *Ren* occurs in the early Confucian classics many times; 109 times in the *Analects*, 158 times in *Mencius* and 134 times in *Xunzi*. No other well-known Confucian notion appears so many times, not even *Li* 禮(rituals), *Yi* 義(righteousness) or *Xiao* 孝 (filial piety). Some Chinese philosophers even go far as to characterise Confucianism as the study of *Ren* (Chen 2014: 5). However, these occurrences of *Ren* 'serve to intensify and complicate, rather than to clarify, its meaning' (Olberding 2014: 83).

Ren 仁 has many existing renderings in English: such as 'benevolence,' 'goodness,' 'love,' 'authoritative person,' 'humanity' and 'manhood' (Chan 1955: 295, Tu 1968: 31, Schwartz 2009: 75). However, none of these translations is truly satisfactory. This is because the significance of the word is highly context-dependent. Therefore, this thesis does not use any existing English translations of *Ren*, as the meaning of *Ren* is extremely difficult to encapsulate in a simple word or phrase.

As shall be explained in this chapter, early Confucians often define *Ren* as a unified notion that encompasses almost all the virtues that were advocated by early Confucians; as well as the ability to actually put such virtues into action (Chan 1955: 295-296). This thesis will continually stress the important role of *Ren* in classical Confucianism. *Ren* is the crucible where Confucian moral reasoning and political principles are dynamically

shaped and integrated. In short, *Ren* refers to the totality of the relationship-based virtues that make it possible for citizens to make reasonable political decisions.

2.21 The Meaning of Ren

The Chinese character '*Ren* 仁' is a literal graphic representation of the notion of 'human relationships;' it consists of two parts, 'human 人' and 'two 二.' The word *Ren* originally denoted the kindness of rulers to their subjects, and *Ren* was employed in some Pre-Confucian classics, such as the Book of Poetry (*Shi Jing*; a collection of ancient Chinese poetry and songs dating from the 11th to 7th centuries BCE). *Ren* was 'introduced into the ethical discourse in the mid-Chunqiu period and grew in importance well before Confucius's time' (Pines 2002: 184).

It was early Confucians who first made *Ren* the most significant virtue for human beings, as well as a key guiding principle in politics. There are numerous discussions of *Ren* in the Confucian classics; yet, there is no universally agreed definition of *Ren* among early Confucians. In the *Analects*, there are various occasions where Confucius's disciples ask him about the meaning of *Ren*; however, Confucius gives different answers in different contexts or circumstances.

In some contexts, Confucius simply explains *Ren* as being good or without evil. He says, 'truly set your mind on *Ren*, and you will be without evil' (*Analects* 4.4). At other times, *Ren* refers to the ability to keep a peaceful mind. Confucius says, 'A man without *Ren* cannot for long endure adversity, nor can he enjoy prosperity. The man with *Ren* rests content with *Ren*, the man with wisdom profits from *Ren*' (*Analects* 4.2).

Usually, *Ren* means to love others. When Confucius' disciple *Fanchi* asks about the meaning of *Ren*, Confucius replies, 'it is to love others' (*Analects* 12.22). Confucius also says, 'only those with *Ren* can actually love others and despise others' (*Analects* 4.3). Mencius has similar statements. He says that 'A man of *Ren* loves everyone and devotes his love to the relatives and the wise first' (*Mencius* 7A46). Mencius also states that 'A man of *Ren* loves others, and a man of *Li* respects others. One who loves others is always loved by others' (*Mencius* 4B28). Arguably, early Confucians believe that 'to love others' is one of the most fundamental requirements of *Ren*. This will be further discussed in Chapter 5.

However, if one wishes to meet the requirements of *Ren*, it is not sufficient merely to love others. One might sincerely love one's relatives, friends and even strangers. However, one might still hurt others or commit a crime, on account of moral ignorance. Therefore, in order to meet the requirements of *Ren*, it is necessary for one to have various virtues.

> When *Fanchi* asked about *Ren*, the Master said, 'Conduct yourself with respect; perform your duties with reverence; treat others with complete sincerity. Even if you live with rude, uncultivated tribes (*Yi* and *Di*), you cannot give up these virtues. (*Analects* 13.19)

> The Master said, 'to be able to practice five virtues (Courtesy, generosity, trustworthiness, diligence and kindness) everywhere under Heaven would be *Ren*… He who is courteous avoids being humiliated, he who is generous wins the multitude, he who is sincere is trusted by others, he who is diligent succeeds in his work, and he who is kind is able to get service from others.' (*Analects* 17.6)

It would appear that it is extremely difficult for any human being to have all the virtues discussed above; a point which Chapter 6 will elaborate upon further. Some Confucian scholars argue that meeting the requirements of *Ren* is unachievable in reality, as Confucius rarely praises anyone for being a man of *Ren* (Tu 1968: 31-32). However, this is not strictly correct. This is because Confucius gives Guan Zhong 管仲 (a great statesperson during the Spring and Autumn period) such praise for his achievement in bringing peace to the world without using force (*Analects* 14.16, 14.17).

It is debatable whether Confucius think that Guan Zhong is a real man of *Ren*, or merely exemplifies what a man of *Ren* might look like. Indeed, in quotations from the *Analects*, Confucius also criticises Guan Zhong's pretentiousness (*Analects* 3.22). However, it is uncontroversial that Confucius does at least believe that Guan Zhong generally meets the requirements of *Ren*.

Moreover, it should not be ignored that in the *Analects*, only Guan Zhong, who is a statesperson, is praised by Confucius as being a man of *Ren*; rather than any 'moral exemplars' such as Confucius' most favourite disciple, Yan Yuan 顏淵. This fact is

suggestive of the possibility that a statesperson who make remarkable achievements in governing the state is highly likely to be viewed by Confucius as meeting the requirements of *Ren*. Because of this, it seems inappropriate to follow the approach of some Confucian scholars who have merely defined *Ren* as a group of moral virtues, or who have confined the discussion of *Ren* to Confucian ethical reasoning. The requirements of *Ren* generally entail the requirements of becoming a good statesperson; or more specifically, a Confucian *Ren* statesperson.

2.22 Equal Potential Capacities to Become Confucian Ren Statespersons

The early Confucians seem to suggest that a man of *Ren*, who can meet the requirements of *Ren* with perfection, is like a sage and is thus extremely rare in reality. However, they believe that it is possible for some citizens to become Confucian *Ren* statespersons (*Junzi* 君子) (Tu 1968: 33). For example, Confucius says, 'I will never get to meet a sage; if I manage to meet a Confucian *Ren* statesperson, I suppose I would be content' (*Analects* 7.26).

In classical Confucianism, a Confucian *Ren* statesperson (*Junzi* 君子) is different from a man of *Ren* (*ren* 仁人), even though both are supposed to meet the requirements of *Ren*. A man of *Ren* is a hypothetical agent who has the kind of cognitive and volitional capabilities necessary for him to be able to always meet all the requirements of *Ren*. Actual human beings lack such capacities; therefore, a man of *Ren* may only exist in ideal situations. A Confucian *Ren* statesperson is close to a man of *Ren*; or more precisely, is much more like a man of *Ren* than to most other citizens. However, a Confucian *Ren* statesperson is not a superman and does indeed exist in reality.

As will be further explained in the following chapters, early Confucians believe that every citizen has an equal potential capacity to become a Confucian *Ren* statesperson. Mencius insists that *Ren* should be considered as part of human nature; he states that *Ren* originates from 'the sense of compassion' (*ce yin zhi xin* 惻隱之心) with which every citizen is born (*Mencius* 6A6).[21] Chapter 3 and Chapter 4 of this thesis will further elaborate on 'the sense of compassion' and on early Confucian views of human nature.

[21] Mencius says, 'the sense of compassion is possessed by all human beings… the sense of compassion is

For early Confucians, *Ren* is found within the innate moral and intellectual capacities of all human beings; i.e., it is not an ability acquired from some external source. Tu Weiming argues that *Ren*, as 'a principle of "inwardness,"' is not 'a product of biological, social, or political force' from the outside (Tu 1968: 33-32). Confucius contends that '*Ren* is something that must have its source in oneself and cannot be got from others' (*Analects* 12.1). Therefore, Confucius says: 'Is *Ren* indeed so far away? If we really wanted *Ren*, *Ren* would be at our very side' (*Analects* 7.30). Mencius also says that if a person fails to meet the requirements of *Ren*, 'he should seek the cause of failure in himself' (*Mencius* 2A7).[22]

Early Confucians believe that every citizen has the potential to become a Confucian *Ren* statesperson, and it is this potential that motivates them to pursue *Ren*. Here, 'to pursue *Ren*' means to endeavour to know more about *Ren*, and to meet more and more of the requirements of *Ren* over time. Mencius asserts that every citizen is willing to pursue *Ren*, and this is like 'water flowing downwards, or wild animals heading for the wilds' (*Mencius* 4A9). Confucius also insists that 'citizens need *Ren* more than either water or fire. I have seen citizens die from treading on water and fire, but I have never seen a citizen die from treading the course of *Ren*' (*Analects* 15.35). For early Confucians, *Ren* is intrinsically valuable and that every citizen, by their very nature, is motivated to pursue *Ren*. The rest of this Chapter will further elaborate upon this topic.

However, for those who wish to become Confucian *Ren* statespersons, merely pursuing *Ren* is not sufficient in itself. Confucius warns, 'pursuing *Ren* without being fond of learning is liable to lead to foolishness' (*Analects* 17.8). Early Confucians contend that a person ought to keep cultivating oneself throughout the entire course of one's life, in order to realise one's potential to become a Confucian *Ren* statesperson. Thus, early Confucians attach great importance to education and self-cultivation; both can assist the citizens to

Ren' (*Mencius* 6A6). He also states that 'all things are already complete in us. To examine ourselves and to be true to ourselves; there is no greater joy than this. To dedicate oneself in all earnestness to reciprocity; this is the most direct way to be *Ren*' (*Mencius* 7A4).

[22] Mencius contends that 'to be a man of *Ren* is like archery. An archer first assumes a correct stance and then shoots. If he misses, he does not complain against those who do better. He simply seeks the cause of failure in himself' (*Mencius* 2A7).

develop their latent capacities to become men of *Ren*. This theme will be further discussed in Chapter 6.[23]

More specifically, Mencius contends that every human being is born with equal potential intellectual and moral capacities to know and practice *Ren*. These innate capacities relate to the four virtues: benevolence, righteousness, decorum and wisdom (*Mencius* 6A6, 7A21).[24] Mencius compares these potential capacities to 'seeds' of grain. Just as a successful ripening of grain depends on the maturity of its seeds, so also does becoming a Confucian *Ren* Statesperson depends on the actualisation of these potential capacities (*Mencius* 6A19).[25]

In reality, these potential capacities admit of different degree of actualisation. Human beings are all capable of actualising their potential capacities, in order to meet the requirements of *Ren* to a certain extent. However, very few can fully actualise one's potential capacities. This being so, very few citizens can actually meet all the requirements of *Ren* perfectly (Tu 1968: 32). This is why early Confucians believe that it is extremely difficult for someone to be a man of *Ren*. To possess all the virtues encompassed by *Ren*, and to fully achieve *Ren*, is almost impossible for the actual citizens. (This will be further explained in the last section of this chapter).

Some Confucian scholars point out *Ren* is not merely a unified notion that covers all Confucian virtues, as well as the abilities to practice these virtues; in addition, it is a metaphysical reality (Chan 1955: 309). *Ren* is highly unlikely to be achieved in reality, but it serves as a normative standard and aspiration for human beings (Tang 1962: 200). By endeavouring to meet all the requirements of *Ren* and to become a man of *Ren*, some citizens are finally in a position to become Confucian *Ren* statespersons. For the early Confucians, Confucian *Ren* statespersons are not born with any intellectual and moral superiority. Rather, they are well-educated individuals who have made substantial

[23] Many passages in the Confucian Classics emphasise the importance of education. See *Analects* 1.1, 1.6, 1.7, 1.8, 2.4, 2.15, 5.28, 7.2, 7.3, 7.25, 8.12, 8.17, 12.15, 13.9, 14.24, 15.31, 15.32, 15.39, 16.9, 16.13, 17.8, 19.6, 19.7, 19.13, 19.22; *Mencius* 1A7, 1B3, 1B9, 2A2, 2b2, 3A3, 3A4, 5B4, 7A14, 7A20, 7A40; *Xunzi* 1.3, 1.4, 1.13, 1.14, 1.15, 1.17, 9.1, 9.24, 10.14, 18.26, 16.1, 27.52.

[24] 'Benevolence, righteousness, decorum and wisdom are not infused into us from without. We definitely possess them. It is just that we do not think about it, that is all. Therefore, it is said, "Seek and you will get it; let go and you will lose it"' (Mencius 6A6). Chapter 4 of this thesis will discuss this topic further.

[25] 'Of all seeds, the best are the five kinds of grain; yet, if they are not mature, they are not even as good as the weeds. So the value of *Ren* depends entirely on its being brought to maturity' (Mencius 6A19). Chapter 4 of this thesis will discuss Mencius' ideas about virtuous 'seeds' further.

achievements in their moral self-cultivation, and who are thereby in a position to meet the requirements of *Ren* much better than others (Chapter 4 and Chapter 6 will elaborate on this further).

2.23 Self-cultivation and 'Return to Li'

Confucius believes that if one wishes to cultivate oneself and to become a Confucian *Ren* statesperson, one's most important priority is to exercise self-discipline, and to 'return to Li 禮 (rituals)' (ke ji fu li 克己復禮).

> The Master said, 'To exercise self-discipline and return to *Li* is *Ren*. If a man can for one day subdue himself and return to *Li*, all under Heaven will ascribe *Ren* to him.' (*Analects* 12.1) [26]

Tu Weiming points out that the concept of self-discipline (*ke ji* 克己) in the passage above is practically identical to the concept of self-cultivation (*xiu shen* 修身) (Tu 1968: 30). As discussed earlier, Confucius holds that '*Ren* is something that must have its source in oneself and cannot be got from others' (*Analects* 12.1). Also, citizens, by their very nature, are willing to pursue *Ren*. Thus, no one should be compelled to meet the requirements of *Ren*; one's self-cultivation should be taken up of one's own accord, rather than imposed by others.

For early Confucians, self-cultivation means to act according to a series of interpersonal principles concerning how to treat others and how to contribute to the benefit of one's fellow citizens. These principles are viewed by many as the Confucian 'golden rules,' which consist two 'categorical imperatives:' *Zhong* 忠 and *Shu* 恕.

> *Zhong* 忠: 'Do not treat others the way you do not want to be treated.' (*Analects* 12.2, 15.24)

[26] *ke ji fu li* 克己復禮 will be further discussed in Chapter 4 and Chapter 5.

> *Shu* 恕: 'You want to establish yourself; then help others to establish themselves. You want to be reasonable; then help others to be reasonable.' (*Analects* 6.30)

Shu 恕 has more positively active connotations than *Zhong* 忠. Because of this, it is often associated with the requirements of *Ren*; especially those which relate to becoming a Confucian *Ren* Statesperson. For early Confucians, the Confucian *Ren* statespersons are those who have made significant achievements in self-cultivation, and who are thereby in a position to attain to *Shu* 恕; i.e., to make substantial positive contributions to the well-being of other citizens.

Besides *Shu* 恕, the 'return to *Li*' (*Fu Li* 複禮) also plays a prominent role in self-cultivation. In the Confucian classics, *Li* encompasses a broad range of meanings; it has been translated as 'rituals,' 'decorum,' 'manner,' 'propriety,' and 'ceremony.' In classical Confucianism, *Li* is concerned with various rituals and abstract principles that relate to 'looking,' 'listening,' 'speaking,' 'moving' and other behaviours involved in various relations, political activities and religious ceremonies. Confucius says, 'One has no way of taking one's stand unless one knows *Li*' (*Analects* 20.3). Yu Jiyuan 餘紀元 explains *Li* as 'the totality of socially acceptable behaviour patterns and lifestyles, including both moral and non-moral norms' (Yu 1998: 326).

By advocating a 'return to *Li*' (*Fu Li* 複禮), Confucius intends to constrain and channel the process of self-cultivation, through the practice of a collection of political and religious rituals and social regulations.

> The Master said, 'If a man is without *Ren*, what has he to do with *Li*? If a man is without *Ren*, what has he to do with *Yue*?' (*Analects* 3.3)

The religious ceremonies of the Zhou dynasty (1046-256BCE) took the form *Li* 禮 (rituals) and *Yue* 樂 (music). Throughout the history of Imperial China, religious rituals were a less costly alternative to war; they served the purposes of maintaining political authority and establishing the sacred legitimacy of the rulers. The harmony generated by shared traditions and customs was a key value underlying the practice of such rituals. Religious rituals made the political authority of the rulers more acceptable to the common citizen.

Confucius did acknowledge religious rituals as an important aspect of legitimate political authority; however, he was generally reluctant to justify any kind of divinely sanctioned political authority based on religious beliefs. On the contrary, Confucius stated that the citizens should recognise the practical limitations of their belief in supernatural beings. He proposes to 'respect the ghosts and spirits while keeping them at a distance' (*Analects* 6.22). Confucius never denies the existence of supernatural beings; what he means here is that citizens should not rely on supernatural beings as the judges or agents of good and evil.

One of the main reasons that Confucius attached great importance to *Li* 禮 was because Confucius intended to persuade the rulers at his time to resort to rituals, rather than to war or violence, in order to retain their political power. As Chapter 3 will make clear, early Confucians generally oppose using force to keep political order. They believed that during their time (ca. 551-221 BCE), war and violence were overused, and ritual-based political order was at risk. So, Confucius proposed a 'return to *Li*' which would bring peace and order to the whole world, without requiring any resort to political force or coercive power.

Moreover, in classical Confucianism, *Li* is a series of customs and acts practised not just in religious ceremonies, but also in the daily lives of the citizens. Thus, early Confucians tend to direct *Li* towards regulating the behaviour of the citizens, as well as their interactions with others. As Yuri Pines says: at the time of Confucius, the term *Li* departed from 'its original narrow meaning as religious rites and ceremonial demeanour, and became the ultimate guiding principle of political and social life' (Pines 2002: 209).

Tu Weiming appeals to a remark made by Mou Zongsan, and argues that *Li* are *Ren*'s windows, by which *Ren* 'needs to expose itself to the outside world.' Without *Li*, *Ren* will 'become suffocated.' Similarly, without *Ren*, *Li* will 'become empty formalism' and further 'degenerate into social coercion incapable of conscious improvement and liable to destroy any true human feelings' (Tu 1968: 37).

If in classical Confucianism, *Ren* is the highest moral ability about 'what ought to be' in ideal situations, then *Li* is a collection of moral and political principles about 'what is' in non-ideal situations. *Li* steers the self-cultivation of the citizens in their process of actualising their potential capacities to meet the requirements of *Ren*. In reality, no one

can know and practice *Ren* perfectly. However, by making significant progress in their self-cultivation, e.g. by getting an education, gaining knowledge and practising rituals, some citizens can better meet the requirements of *Ren* than others and eventually become Confucian *Ren* statespersons.

Self-cultivation is the first step to become a Confucian *Ren* statesperson. The *Great Learning* (*Daxue* 大學) describes this process: 'one starts with self-cultivation, then one proceeds to have an orderly family, to govern a state, and at length, one is in a position to bring peace and order to the whole world through one's moral virtues' (*The Book* of *Rites Liji* 禮記: *Daxue* 大學 2). Self-cultivation should start at an early stage of life and be improved by constant self-cultivation. The process of self-cultivation is difficult and endless. In the beginning, one is required to exert great efforts in order to cultivate oneself, but over time, self-cultivation will become one's true nature. By that point, one no longer needs to discipline one's desires; or as Confucius says, 'at seventy, I could follow the dictates of my own heart; for what I desired no longer overstepped the boundaries of right' (*Analects* 2.4).

The final goal of self-cultivation is to become a Confucian *Ren* statesperson and to 'bring peace and order to the whole world' (*Mencius* 7B32). In order to capture the essence of the process of achieving such final goal, many Confucian scholars prefer to use the phrase of 'inner sagehood and outward kingliness' (*nei sheng wai wang* 內聖外王).[27] 'Inner sagehood' (*nei sheng* 內聖) refers to the Confucian emphasis on one's moral self-cultivation for the purpose of actualising one's potential moral capacities to meet the requirements of *Ren*. Tu Weiming points out that 'Inner Sagehood' in Confucianism is 'defined as striving to become a genuine human being who through self-transformation, a kind of inner illumination, realises not only the moral goodness that is intrinsic to human nature but also the cosmic creativity that embraces the universe in its entirety' (Tomei 2008: 916).

By making substantive achievements in one's moral self-cultivation and developing 'Inner Sagehood,' one is in a position to achieve 'outward kingliness' (*wai wang* 外王); this means to become a Confucian *Ren* statesperson and to implement '*Ren* government'

[27] This paradigm first appeared in *Zhuangzi*. For a detailed discussion, see (Li 1991: 3-4, 2001b: 12).

(*Ren zheng* 仁政). '*Ren* government' requires the rulers to govern according to the requirements of *Ren*, and most early Confucians view it as the best system of governance. As will be discussed in Chapter 3, early Confucians often defend the superiority of '*Ren* government' against 'Hegemonic Government' (*ba zheng* 霸政) which proposes the rule by force, for the purposes of maintaining order (*Analects* 2.3, *Mencius* 2A3).

2.3 Confucian Meritocratic Beliefs

The idea of '*Ren* Government' is the very core of Confucian meritocracy. It is founded upon a normative principle, which is roughly characterised as follows: wherever possible, the state should be ruled by Confucian *Ren* statespersons (*Junzi* 君子). As discussed above, the Confucian *Ren* Statespersons are those who have made substantial achievements in the process of self-cultivation; this process is guided by the *Li*, which helps the citizens to actualise their potential capacities, in order to meet the requirements of *Ren*. The Confucian *Ren* statespersons have the virtues that are necessary for making reasonable political decisions; they are also altruistic enough to sacrifice their own self-interest for the promotion of the well-being of their fellow citizens. This will be further explained in Chapter 4.

Confucian Meritocratic Democracy (CMD) is a form of government which can serve as a democratic version of the early Confucian programme of '*Ren* Government.' It is founded upon three Confucian meritocratic beliefs (CMBs).

> CMB 1: There are substantive (procedure-independent) political truths embodied in *Ren* 仁, which are the criteria by which political decisions should be evaluated.
>
> CMB 2: Every citizen has equal innate capacities; these capacities can and ought to be cultivated in order that one might know and practise the political truths of *Ren*. Only a few citizens who have made great achievements in self-cultivation, actually know and practise the political truths of *Ren* much better than others.
>
> CMB 3: Knowing and practising the political truths of *Ren* much better than others is a warrant for having political authority over others.

Democratic theorists may object to these CMBs, which appear to be incompatible with some normative democratic principles. It is to be expected that their main concerns would be as follows:

By appealing to substantive (procedure-independent) political truths, CMB 1 may risk tending towards a despotic or authoritarian kind of politics.

If CMB2 is to be understood as suggesting that some citizens are more competent than others in knowing and practising the political truths of *Ren*, this belief has some exclusionary or elitist implications and therefore is incompatible with the moral equality of all citizens.

Insofar as CMB 3 risks confusing expertise with political authority, it may lead to legitimising an overly technocratic 'dictatorship by experts.'

The following chapters will discuss these interrelated concerns, as well as some normative democratic principles that underlie them. The purpose of this thesis is not to prove that CMD is in a position to conclusively resolve all of these concerns. Rather, the objective is to argue, firstly, that some of the normative democratic principles upon which these concerns are founded may be contestable, rather than being self-evidently true and applicable in all cases. Secondly, even if one accepts these normative democratic principles, CMD is not intrinsically objectionable, as it is indeed compatible with the practical aims of such normative democratic principles.

2.4 Political Truths of Ren

Democratic theorists may be sceptical about the presence of substantive political truths in CMB1. In other words, they may be doubtful that there are any substantive (procedure-independent) political truths of *Ren* 仁, by which political decisions should generally be judged. Some political philosophers worry about appeals to political truths; such truths may be perceived as having a despotic or authoritarian character. Some argue that there are no normative realities or truths independent of individual commitments or preferences.[28] If for the sake of argument, this were assumed to be the case, then the

[28] There is an important metaethical debate surrounding the semantics and metaphysics of normativity among constructivists, expressivists, subjectivists and realists. However, this is a topic which does not

logical consequence of this would be the impossibility of any political truths independent of individual preferences.[29]

2.41 Truths in Normative Political Theories

Hannah Arendt argues that politics, by its very nature, is contestable. She believes that disputes, contests and disagreements are of the very essence of normatively sound politics (Arendt 1961: 241). Thus, Arendt contends that political discussions should never begin by stating conclusions which are held to be political truths. She asserts that political truths, including presumptions about justice, have a despotic character. Therefore, Arendt believes that appeals to political truths risk precluding debate and contestation in the realm of politics (Estlund 2008: 21).

John Rawls also worries about appeals to political truths in politics, but for an entirely different reason. He suggests that the purpose of politics is a practical agreement in the face of reasonable pluralism. Therefore, he argues that it is enough to come up with some principles that everyone could endorse from their own (reasonable) points of view. For Rawls, appeals to political truths are controversial and are thus unnecessary in politics. 'Holding a political conception as true, and for that reason alone the one suitable basis of public reason is exclusive, even sectarian, and so likely to foster political division' (Rawls 1996: 129). In his book *Democratic Authority: A Philosophical Framework*, David Estlund summarises the view of both Arent and Rawls by saying that political truths 'must play no role in the normative political theory' on any basis whatsoever (Estlund 2008: 23).

However, Estlund's conclusion is contestable. If the motivations of both philosophers are taken into consideration, the Arendtian and Rawlsian anxieties surrounding the pursuit of substantive truths in politics do not preclude the existence of political truths. For, these two philosophers merely contend that no one has reasonable grounds to make dogmatic claims that he or she has a perfect grasp of any political truths; but this is not to say that political truths do not exist at all.

require close examination for the purpose of this thesis.

[29] Arrow's Theorem and its relative results show that all majority-winning methods based on ranking the preferences of individuals are flawed (Bouyssou 1992).

Both CMB1 and CMB2 presume the existence of political truths embodied in *Ren* and that those who have made substantial achievements in the process of self-cultivation can have significantly more knowledge of these political truths, as well as the capacity to practice them more consistently than others. This does not amount to the questionable presumption that any person can ever perfectly grasp the political truths embodied in *Ren*. Nor does it mean that *Ren* is entirely achievable in real political practice. *Ren* has the function of establishing the requirement of political practice. As discussed above, the requirements of *Ren* serve as normative standards that stimulate aspiration towards virtue in all political endeavours, even though very few citizens could ever perfectly meet such requirements in practice.

It is thus clear that in this thesis, *Ren* is more like a 'regulative' ideal (in the Kantian sense), than an ideal that can be practised perfectly in reality. Immanuel Kant contends that the sage of the Stoics is itself an ideal and that such an ideal provides people with 'regulative principles.' His discussion is worth quoting at length:

> As the idea provides a rule, so the ideal serves as an archetype for the perfect and complete determination of the copy. Thus, the conduct of this wise and divine man serves us as a standard of action, with which we may compare and judge ourselves, which may help us to reform ourselves, although the perfection it demands can never be attained by us. Although we cannot concede objective reality to these ideals, they are not to be considered as chimeras; on the contrary, they provide reason with a standard, which enables it to estimate, by comparison, the degree of incompleteness in the objects presented to it. (Kant 1855: 351)

Drawing inspiration from Kant's 'regulative principles,' some modern political philosophers 'define a "regulative" ideal, unachievable in its full state, as an ideal to which, all else being equal, a practice should be judged as approaching more or less closely' (Mansbridge 2010: 65).

If *Ren* is to be understood as a Confucian regulative ideal, then the notion of the Confucian *Ren* statespersons knowing and practising the political truths of *Ren* better than others merely means that as far as is humanly possible, such statespersons ought to be closer to such political truths than their fellow citizens.

This being so, it would appear that the Arendtian and Rawlsian views alluded to above actually do not conflict with any CMBs about political truths at all. More precisely, CMBs have three main assumptions about political truths:

Firstly, the existence of political truths. Arendt and Rawls do not deny this hypothesis.

Secondly, even if it is assumed that such truths exist, they cannot necessarily be perfectly grasped by human beings. Arendt and Rawls agree with this.

Thirdly, even if the political truths of *Ren* cannot be perfectly grasped, they nevertheless ought to be pursued in political practice.

Arendt and Rawls thus appear to only argue against the pursuit of political truths, insofar as there is a dogmatic assertion of political theories. However, there is no reason to believe they would be averse to engaging with political truths in actual political practice. And even if it were to be asserted that Arendt and Rawls have not specified any particular political truth relating to political practices, it would be still valid to contend that Arendt and Rawls are different from democratic proceduralists. This is because the latter school of thought suggests that there are no substantive (procedure-independent) political truths or standards at all.

2.42 Proceduralist View of Political Truths

Some proceduralists, e.g. Schumpeterians, advocate a kind of political nihilism. They believe that 'normative truths' in politics, such as the common good or public interest are all fantasies, and that the voters who think that they are voting for some political truths are actually promoting their personal values or preferences (Schumpeter [1943] 2003, Brennan and Lomasky 1997). Habermas has a similar view, stating that there are no political truths which exist independent of democratic procedures; he asserts that 'the notion of higher law only belongs to the premodern world' (Habermas 1996: 106). Habermas believes that normative truths cannot be treated as 'an alien authority residing somewhere beyond political communication' (ibid. 285).

It appears that there are some theoretical and practical risks in denying the existence of any such substantive political truths. Theoretically speaking, such a proceduralist view necessitates denying there are any normative standards by which to evaluate political decisions. It also entails a denial that any political statements or affirmative actions are true or false. Hence, this kind of political nihilism risks rendering many valuable, admirable, normatively good or right components of political processes, such as the public interest and the common good, either profoundly deficient or nonsensical. This will be further explained in Chapter 5

In practice, one ought to know that sacrificing one's life for the common good is a miserable and yet sometimes unavoidable task for citizens from any state. If, as proceduralists hold, the common good and public interest are all fantasies, how can citizens be persuaded to serve their country? Why do so many citizens wish to join the military, risking their own interests or the interests of their loved ones, in order to protect the interests of millions of strangers? Why do they not choose to be free-riders instead? Moreover, even if they join the army, can such an army ever be capable of defeating an opposing state whose citizens generally celebrate patriotism and the common good?

However, it seems that some democratic proceduralists are inclined to take the above theoretical and practical risks of denying substantive political truths, in order to defend the non-substantive political truths, they themselves prefer: procedural fairness (Schumpeter [1943] 2003: 4, Dahl 1979: 97-133). Proceduralists doubt that there are any political truths; they often argue even if there are such truths, they are merely procedural values which serve to subject 'important matters to political control, not in any particular tendency of this to lead to supposedly good or just decisions' (Estlund 2008: 26). Hence, for proceduralists, the only political truth is procedural fairness. There are no normative standards one can use to judge political decisions, except for these very same standards of 'procedural rationality.'

Of course, not all schools of democratic theory believe that procedural fairness is the sole legitimate value of democracy. However, most do agree the essence of democracy is found in democratic procedures. The latest developments in democratic theories about social choice and deliberative democracy have come from those presenting their research purely as an application of procedural standards (Freeman 2000, Bohman 1997). The difference between social choice theorists and deliberative democrats is that social choice

theorists focus on the aggregation of individual preferences, while deliberative democrats emphasise the importance of the public employment of reason. However, they all agree with the proceduralists that procedural considerations are essential to democracy.[30]

This purely procedural view carries the risk of undermining all political authority whatsoever. Moreover, its pronounced suspicion of the ruling elites and robust advocacy of the empowerment of the ordinary citizens may contribute to certain phenomena common in a Western democratic context; including an anti-elitist political culture, which risks resulting in a widespread lack of respect for the government (Bell 2006, Bai 2009).

In recent times, democratic countries have seen a substantial decrease in respect for authority; especially since the rise of cynicism and populism. It appears that in democratic elections, the candidates have often pretended to be ignorant, in order to label themselves as ordinary citizens, rather than elites. This is intended to increase their 'electability' (Benedetto 2004). Jane Mansbridge points out that modern democracy has abandoned the traditional aristocratic view of representatives, and instead embraces a relatively egalitarian view. Voters are more willing to vote for candidates who are more like 'one of them' and who also 'possess their sentiments and feelings' (Mansbridge 2009: 387).

According to Mansbridge's view, many democratic representatives also 'see themselves as "like" their constituents, in demographic characteristics, political attitudes, or both' (Mansbridge 2011: 623). Moreover, politicians in democratic countries usually pretend to be a political outsider, in order to get elected. Some of them claim that their role is to reduce the scope of intervention on the part of the government. When the leaders of the government present themselves as 'average Joes' who want to practice the ideal of limited government, it is hard to believe that these leaders will be highly-respected, even by those who vote for them. Chapter 6 will discuss this topic further.

If this form of proceduralism were to result in widespread cynicism towards the possibility of any normative truths, it is likely that such truths would be replaced by the invisible tyranny of capital or the free market. From a perspective of the free market, all citizens enjoy formal equality, insofar as each citizen is potentially a customer that is served by the seller. Therefore, with the influence exerted by the proceduralist view of

[30] For a discussion of the literature on deliberative democracy and social choice theory, see Dryzek (2000: Chapter 2).

political truths, ‘one person, one vote’ might degenerate into ‘one dollar, one vote;’ a situation where political outcome depends more upon wealth than upon substantive political truths. In such a case, equality before capital or before the free market is the main equality enjoyed by most citizens (Chapter 5 will elaborate upon political equality).

A large body of empirical and theoretical studies has shown that capital is indeed playing an increasingly significant role in modern democracies (Fiss 1997, Lessig 2011, Fukuyama 2011, 2014). Because of the disproportionate influence capital exerts upon the government, some scholars criticise democratic governments for failing to keep political leaders accountable and responsive to the general public; especially to members of the public who are not wealthy (McCormick 2011).

In modern democracies, paying a bribe to a politician can be legal, as it is possible to be disguised as making a political contribution to the politician before the election. Francis Fukuyama contends that in American politics, it is extremely difficult to rule out bribery. He states:

> Criminalized bribery is narrowly defined in American law as a transaction in which a politician and a private party explicitly agree upon a specific quid pro quo exchange… The law bans only the market transaction but not the exchange of favours, and that is what the American lobbying industry is built around. (Fukuyama 2014:311)

Lawrence Lessig claims that there are many legal ways to trade political influence for money. For example, some lobbying groups try to influence members of Congress by paying their overseas trips to attend an academic conference in a fancy resort. In most cases, interest groups simply make a campaign donation to a congressperson for an inexplicit favour in the future (Lessig 2011: 24-38).

Those who acknowledge the above problems have the option of proposing limits on campaign financing during democratic elections. The scope of regulation might include restrictions on campaign donations and candidate expenditure; e.g. how much an individual can spend on media advertisements, on lobbying, and on supporting particular candidates or political decisions. However, this proposal risks coming into conflict with freedom of speech. The U.S Supreme Court decisions of 2010 and 2014 struck down laws

that imposed limitations on campaign finance and expenditure. Some Supreme Court justices argued that all limits on election spending and contributions violate the First Amendment which protects free speech.[31]

Even if it is possible to reduce the influence of wealth by introducing campaign finance regulation, rich individuals still have the option of seeking other ways to exert a disproportional influence on democratic procedures (Issacharoff and Karlan 1999). This misuse of wealth risks running contrary to the ideals of the Enlightenment and the capitalistic market economy that have traditionally played a major role in fostering modern democracy. Some democratic theorists, such as John Kean, have considered the problems outlined above. They propose that democratic procedures need to be supplemented by other political goods; such as social justice, forums for deliberation, education for voters, civil society and additional ways of monitoring power (Keane 2015).

Some other democratic theorists advocate using meritocratic perspectives, in order to counterbalance any one-sidedly proceduralist view of democracy. For example, David Estlund criticises some purely proceduralist approaches, and proposes 'epistemic proceduralism.' His proposal appears to be a mix of both democratic procedural and meritocratic perspectives. It includes a meritocratic perspective, which recognises the importance of normative truths or procedural-independent standards in the evaluation of political decisions; as well as a procedural perspective, which is directed towards ensuring fair and equal political participation for all citizens.

Estlund contends that procedural fairness alone is a rather weak justification for political systems; most citizens living in a democratic country would find it very difficult to accept that procedural fairness is the only consideration that can justify the authority or legitimacy of democracy.[32] He argues that if the sole value of democracy is absolute fairness of procedure, i.e. 'giving each person an equal chance of changing the outcome,' then any random procedure, e.g. flipping a coin, should be just as good as the procedures

[31] See Citizens United v. Federal Election Commission, No. 08-205, 558 U.S. 310 (2010). McCutcheon v. Federal Election Commission, 572 U.S._ (2014)

[32] There are other arguments against the proceduralist view of the legitimacy of political authority. For example, some contemporary Confucian political philosophers contend that procedural value may not be in a position to be universalised; since some citizens, especially those living in East Asian countries, tend to understand political arrangements in consequential rather than procedural terms (Shin and Sin 2012, Bell 2000). However, this argument is less convincing than Estlund's arguments, as it is founded upon an intuitive assertion that has not been empirically verified.

commonly associated with democratic constitutions. 'If that is right and if fairness is the main basis of democracy's importance, then why not flip a coin instead?' (Estlund 2008: 6).[33]

Moreover, Estlund criticises two approaches which may prove that democratic procedures are substantively reliable and thereby better than 'just flipping a coin.' The first approach borrows mathematical ideas from the Jury Theorem, which was first proven by Condorcet in 1785. The Jury Theorem states that if there are N alternatives, and an individual voter's chance of getting the right answer is better than 1/N chance, then a democratic procedure is always better than a random procedure. Estlund points out that the Jury Theorem is not necessarily supportive of the view that democratic procedures are better than random procedures, in cases where there are indeed only a few alternatives. For instance, if N=2 which means that there are only two choices for voters to choose, then a better than random result requires the voter to have a better than 50% chance to choose the right answer. But this is not a common scenario in reality (Estlund 2008: 223-225).

The second approach is Contractualism which, briefly stated, is 'a family of views that understand justice or rightness as constituted by facts about what would be agreed to in a certain imaginary collective choice situation' (ibid. 16). The democratic procedure is better than a random process because it is generally similar to any hypothetical contractual procedure which is capable of producing just or right results. Estlund notes that the problem with this democracy/contractualism analogy is that there is no necessary connection between actual democratic procedures and any hypothetical contractual procedure; the resemblance is merely superficial. This is because contractualism is premised upon the assumption that its imaginary participants are only concerned with certain partial or narrow questions, derived from their partisan perspectives. This is a rare situation and is also morally implausible as an analogue of actual political practice.

Estlund's critiques of the strategy of pure proceduralism in contemporary democratic theories have one main purpose: to defend the importance of procedure-independent

[33] Estlund contends that 'democratic procedures (some of them anyway) might indeed be fair, but this will turn out to be morally too small of a matter to support an account of authority and legitimacy. Procedural fairness alone cannot explain most of the features of democratic institutions that we are likely to feel are crucial. To anticipate my argument with a one-liner, if what we want is a procedure that is fair to all, why not flip a coin? That is, why not choose a law or policy randomly?' (Estlund 2008: 66).

standards in the evaluation of political decisions, by providing an account of 'very general questions of authority and legitimacy in a political community' (ibid. 2). Estlund believes that political expertise and political truths are crucial to the theoretical justification of any political system. Scholars who are in agreement with Estlund's procedure-independent standards may be open to CMB1, i.e., the postulation of the existence of the procedure-independent political truths that are embodied in *Ren*; as such truths have the potential to play a crucial role in the evaluation of political decisions as well as in the justification of political systems.

2.43 Pursuing Ren

After having considered CMB1, the next task is to explore CMB2: Every citizen has equal innate capacities; these capacities can and ought to be cultivated, in order that one might know and practise the political truths of *Ren*. Only a few citizens who have made significant progress in their self-cultivation, actually know and practise the political truths of *Ren* much better than others.

One might argue that even if there are indeed substantive (procedure-independent) political truths embodied in *Ren*, and every citizen has potential to know and practice these political truths, this does not mean that every citizen ought to pursue the political truths of *Ren*. This is especially so if one considers how it is almost impossible for any human being to perfectly grasp these political truths. Confucians still need to provide an independent argument for why *Ren* is valuable and worth pursuing.

One possible answer on the part of Confucians could be a regression argument; this would be a very similar approach taken by Immanuel Kant, when discussing virtues. Kant contends that some virtues are not merely of value for certain instrumental purposes, but also represent intrinsic values for human beings. He says: 'Moderation in affects and passions, self-control, and calm reflection are not only good for all sorts of purpose but even seem to constitute a part of the inner worth of a person' (*Groundwork of the Metaphysic of Morals*, Section I, 4: 394, Feinberg and Shafer-Landau 2013: 639).

Similarly, Confucians may argue that *Ren*, which is the totality of the relationship-based virtues that make it possible for citizens to make reasonable decisions, is not only instrumentally valuable for all sorts of purpose but also intrinsically valuable for human

beings. This is because any valuable thing citizens may pursue has a value contingent upon its compatibility with *Ren* (*Analects* 12.1, 15.35, *Mencius* 2A7, 4A9).

But what is the source of value of *Ren* itself? Early Confucians turn to Heaven (*tian* 天) or the Mandate of Heaven (*tianming* 天命) as the external source (Zeng 2015: 63).[34] However, for many modern political philosophers, such metaphysical arguments appear philosophically questionable and unacceptable in practice.

Zongsan Mou (牟宗三), one of the most prestigious modern Confucian philosopher, argues that *Ren* must be grounded in 'Intellectual Intuition *(zhi de zhi jue* 智的直覺)' of human beings, and that this 'Intellectual Intuition' is the primary source or uncaused cause of all values (Mou 2000, 2013).

Specifically, in his project of 'Moral Metaphysics,' Mou borrows the term 'Intellectual Intuition' from Kant. In Kant's philosophy, only God has the capacity of 'Intellectual Intuition' (Bunnin 2008: 614). However, Mou attaches a slightly different meaning to this term than Kant did. He argues that traditional Chinese philosophy, including Confucianism, Daoism and Chinese Buddhism, have contributed something very special to the world. I.e., a universalist belief that all human beings are born with the capacity of 'Intellectual Iintuition.' Such capacity is an uncaused and direct knowledge of reality, and which does not depend on any particular external experiences of the senses (Mou 2000: 89-93).

Confucianism, Daoism and Chinese Buddhism all have similar ideas about 'Intellectual Intuition.' However, Mou believes that the 'Intellectual Intuition' of Confucianism, which is identical with *Ren*, is superior to that of Daoism and Buddhism. This is because *Ren* is not only a supersensible mode of knowledge, but also a fundamentally moral and creative human potential. For Mou, pursuing *Ren* is a spontaneous human behaviour, which has nothing to do with any cause and effect; or any cognitive categories as space, time or number (Mou 2013: 113). Therefore, Mou establishes the 'objectivity' of *Ren* through his metaphysical explanation of 'Intellectual Intuition.' Moreover, Mou opens the possibility of the existence of sages who perfect their 'intellectual intuition' and who

[34] Chapters 3 and 5 will further elaborate on 'Heaven' in classical Confucianism.

by virtue of this, know and practise *Ren* much better than others (Bunnin 2008: 619, Billioud 2006: 234).

Some scholars have criticised Mou's approach, especially his postulation of irrational 'Intellectual Intuition.' It seems difficult to accept that without turning to external experiences or even to reasons, human beings can spontaneously apprehend any deeper reality which may underlie the mere phenomena that are measured and described by scientific methods. Moreover, Mou appears to provide insufficient evidence of his claim that all human beings possess the 'Intellectual Intuitions' (Billioud 2011: 113).

Even if one does not resort to Mou's ideas of 'Intellectual Intuitions,' *Ren* can nonetheless be treated as having an independent value in itself insofar as it is not considered as embodying a kind of interest which accrues to those who pursue *Ren*. The value of *Ren* lies in the fact that it ought to be respected as an end in itself; rather because it offers benefit for those who pursue *Ren*. The experience of pursuing *Ren* can be beneficial, as in the case of pursuing someone with whom you are falling in love. However, the value of *Ren* does not necessarily require those who pursue *Ren* to benefit from such an experience. Velleman argues that it is possible for something to be valuable, even if it does not benefit the specific individuals who value the thing in question. This long passage is worth quoting in full:

> Things can be venerable, for example, whether or not there is any benefit in venerating them; and they can be awesome whether or not one would gain by holding them in awe. So, the fact that value must be capable of registering with someone, who would thus appreciate it, does not mean that it must be capable of accruing to someone, who would thus gain by it. Value requires a potential valuer but not a potential beneficiary. (Velleman 1999: 609)

People often equate what is valuable for someone with whatever it would be rational for someone to value. The 'rationality' at issues here implies a kind of self-interest. However, rational selflessness is also possible among human beings; this being so, it is necessary to acknowledge that there is something, such as *Ren*, whose value is not reducible to mere self-interest alone. As will be discussed in Chapter 4 of this thesis, those who meet the requirements of *Ren* must be altruistic enough to sacrifice their own self-interest for the well-being of their fellow citizens. In modern political philosophy, being rational and

being reasonable are distinct notions (Rawls 2001: 9, 81-82). Those who pursue *Ren* may not appear rational in terms of their self-interest, but they can nonetheless be understood as reasonable agents.

To sum up: for early Confucians, *Ren* is valuable as an end, which every human being is capable of pursuing. Human beings are, naturally enough, willing to pursue *Ren*. But even so, *Ren* does not always benefit those who are actually pursuing it. No one can perfectly grasp all the political truths of *Ren* or meet all the requirements of *Ren*. However, some citizens, who have made great achievements in self-cultivation, can be closer to *Ren*, i.e., can know and practise the political truths of *Ren* much better than others. Such citizens can become Confucian *Ren* statespersons (*Junzi* 君子), who are responsible for making reasonable political decisions and for serving the well-being of all the citizens.

3. Political Authority

The question of whether or not the political truths of *Ren* entail the necessity of any particular kind of political authority is a complex one. This question may provoke a degree of doxubt about the validity of CMB3, which states that knowing and practising the political truths of *Ren* much better than others is a warrant for having political authority over others. For, CMB3 appears to be incompatible with the normative democratic principle of political authority.

In order to engage with this issue, this chapter will attempt to develop a Confucian conception of political authority. This development is founded upon a critical and comparative analysis of the meritocratic views of political authority in classical Confucianism and some of the most influential contemporary democratic theories of political authority.[35]

3.1 The Political Authority of the Confucian *Ren* Statespersons

The meaning of 'political authority' in modern political philosophy overlaps to some degree with the analogous notion in classical Confucianism, but there are also some points of conflict.[36] Normatively speaking, early Confucians would agree with most modern

[35] This chapter touches contemporary democratic theories of a group of modern political philosophers, while mainly focusing on David Estlund's discussions of political authority. This is because Estlund's argument, which 'weaves together thread from several of the preceding arguments,' is one of the most important and widely discussed recent approaches for justifying democratic political authority (Kolodny 2014a: 223). Thus, an examination of Estlund's arguments will be of assistance for discussing Confucian political authority in the context of contemporary political philosophy. As discussed in the previous chapters, Estlund tries to preserve normative truths or procedure-independent standards in the evaluation of political decisions; while simultaneously securing and guaranteeing fair and equal political participation for all citizens. Estlund's principle of 'general acceptability,' which relates to the legitimacy of judgements of political authority, is generally convincing; It also appears to many contemporary democratic theorists. On the other hand, Estlund clearly objects to meritocratic views of political authority. On accounts of his views both on 'general acceptability' and on meritocracy, Estlund's theories are of particular relevance to the topics in this thesis; any detailed discussion of meritocratic political authority requires serious consideration of his writings.

[36] Some Confucian scholars may argue that there is no such thing as 'political authority' in classical Confucianism. They believe that all authority in Confucianism is fundamentally ethical, rather than political (Angle 2017). However, as discussed in Chapter 1, Confucianism has both ethical and political dimensions. Political Confucianism is actually a legitimate and widely accepted approach in contemporary Confucian studies. Thus, without ignoring the ethical dimension of Confucianism, this thesis intends to highlight the importance of Confucian political thought. Other Confucian scholars will agree that it is possible that early Confucian ideas of *Ren* reflect a particular view of political authority. Such political authority is relevant both to the ethical and the political context of Confucianism.

political philosophers that political authority is essentially the political power to morally constrain and direct others, by issuing them with directives with which they must comply. Thus, if a form of government has *de jure* political authority, its subjects are morally bound to obey its political decisions.

In CMD, the political authority of the Confucian *Ren* statespersons is dependent upon the normative standing of their political decisions. In other words, if a Confucian *Ren* statesperson has *de facto* political authority in issuing directives, imposing duties, conferring rights and demanding compliance with them, it should give everyone who is subject to it a reason to comply with the political decisions made by the Confucian *Ren* statesperson. Such reasons should be compelling enough to rebut any objection to these political decisions on the part of the citizens subjected to CMD.

However, early Confucians would disagree with a Lockean liberal understanding of political authority (Chan 2014: 19). As will be discussed in the rest of this chapter, the early Confucian view of political authority is founded upon 'service' and 'reciprocity,' rather than upon 'consent,' 'popular sovereignty,' or 'general acceptability.'[37]

The term 'service' means that serving the citizens is a **necessary but not sufficient** condition for political authority to be legitimate. For the early Confucians, political authority exists for the purpose of serving citizens, and it can only be justified insofar as it is capable of promoting the benefit of the citizens. Joseph Chan, influenced by Joseph Raz, defines this Confucian conception of political authority as a 'service conception' of political authority (ibid.30).

This thesis, adopting Chan's 'service conception,' disagrees with his view that 'the Mandate of Heaven (*tianming* 天命)' is the ultimate source of the legitimacy of political authority in classical Confucianism (ibid. 28-29). Instead, this thesis argues that *Ren*, rather than the Mandate of Heaven, is the ultimate source of the legitimacy of political authority in classical Confucianism. Zeng Jinghan also points out that the Mandate of

[37] Lockean Liberalism has exercised a profound influence on various sophisticated theories of political authority. Some argue that political authority is based on the will of the citizens. Some propose that the consent of the citizens is the source of all legitimate political authority. Others contend that political authority is justified by the principle of 'general acceptability.' This thesis will not discuss every such theory in detail, but the rest of this chapter will investigate a few of these perspectives.

Heaven is merely the 'symbolic foundation of legitimacy of traditional Chinese dynasties' and that 'according to Confucianism, a regime is legitimate if it practices benevolent(Ren) governance' (Zeng 2015: 63).

In classical Confucianism, Only *Ren* can serve as the ultimate criterion for answering questions such as 'what are the social goods that can benefit citizens?' 'How can one promote the benefit of the citizens?' or 'What are the legitimate or reasonable means of promoting the benefit of the citizens?' In other words, *Ren* is the standard for judging the 'the promotion of the benefit of the citizens.' In turn, 'the promotion of the benefit of the citizens' is the standard for judging the legitimacy of political authority. In short, *Ren* serves as the ultimate authority over judging the legitimacy of political authority.

The rest of this chapter will explain that in CMD, the government aims to serve its citizens. However, the government, as a service provider, is constrained by the requirements of *Ren*. This means that the government should not merely serve the rational desires of its citizens by catering for their material needs, but should also serve any reasonable aspirations of its citizens by helping them develop their potential intellectual and moral capacities. In CMD, the services of the government include ensuring that all citizens can enjoy a high-quality civic education, providing a socio-political environment which is conducive to the moral self-cultivation of the citizens, and which offers adequate resources, so as to assist every citizen to live a flourishing life.

In addition to 'service,' another foundation of the legitimacy of the political authority of the Confucian *Ren* statespersons is 'reciprocity.' The term 'reciprocity' means that the presence of reciprocal relationships is a **sufficient but not necessary** condition for the existence of endurable and legitimate political authority. Specifically, there are two kinds of reciprocal relationship in CMD. One is the reciprocal relationship between the Confucian *Ren* statespersons and their fellow citizens. The Confucian *Ren* statespersons are committed to making political decisions for the benefit of all the citizens; while at the same time, the citizens accept and support the political decisions made by the Confucian *Ren* statespersons. The other reciprocal relationship is the one existing between citizens in CMD. The citizens are committed to promoting the benefit of their fellow citizens by endorsing political decisions that better serve the benefit of their fellow citizens.

The rest of this chapter will show that even though the Confucian conception of political authority differs from the liberal democratic understanding of political authority, such a conception is nonetheless compatible with the practical aim of the democratic conception of political authority. Indeed, it may be in certain respects even more fundamental than some democratic framings of political authority. For example, because of the legitimising influence of reciprocal relationships, the political authority of CMD has the potential to be 'generally accepted' by the reasonable points of view of the citizens. Without such reciprocal relationships, very few kinds of democratic political authority would meet the principle of 'general acceptability' (in Estlund's sense).

In the following sections, there are two points which will be further clarified about the political authority of the Confucian *Ren* statespersons in CMD:

Firstly, the political authority of the Confucian *Ren* statespersons merely means that they have the legitimate right to rule, rather than certain ownership rights that give them the prerogative of dominating and oppressing others, or any special privileges, or a superior social status. Here, it is necessary to distinguish the notion of a 'superior person' and 'a person with superior judgment.' Knowing and practising *Ren* better than others implies only that on account of their great achievements in the long process of moral self-cultivation, the decisions that the Confucian *Ren* statespersons make in order to promote the benefit of all the citizens are likely (on the whole) to be superior to the judgements of most other citizens. This is not the same as saying that the Confucian *Ren* statespersons are intrinsically and infallibly superior to other citizens.

Secondly, the political authority of the Confucian *Ren* statespersons is subject to *Ren*, which is the highest virtue in classical Confucianism. The political decisions made by the Confucian *Ren* statespersons derive their legitimacy from the requirements of *Ren*, rather than from the judgements of the Confucian *Ren* statespersons. Because the Confucian *Ren* statespersons have made significant achievements in their self-cultivation and thus meet the requirements of *Ren* much better than others, it is highly likely that they can make reasonable political decisions that serve the well-being of all citizens. Therefore, their political decisions are highly likely to be deemed roughly acceptable from the reasonable point of view of the citizens in CMD; even though most citizens do not directly participate in making these political decisions, nor do they directly consent to them. If the Confucian *Ren* statespersons fail to meet the requirements of *Ren*, which means that they

fail to make reasonable political decisions that promote the benefit of other citizens, they immediately lose their legitimacy to rule.

Early Confucians contend that the ruler must fulfil his responsibility, which is to rule according to the requirements of *Ren*. A ruler loses his legitimacy to rule when he violates *Ren*. For example, Mencius not only explicitly endorses the removal of rulers who fail to meet the requirements of *Ren*, but even supports the killing of a notorious king who 'offends against *Ren.*'

> When King *Xuan* of Qi asked Mencius, 'is regicide permissible? (King *Zhou* was killed by one of his ministers)' Mencius replied: 'He who offends against *Ren* is a brigand; he who offends against righteousness is an outlaw. A man who is both a brigand and an outlaw is a lone fellow (secluded from and abandoned by his fellow citizens). I have heard of killing the lone fellow *Zhou*, but have not heard of any regicide.' (*Mencius* 1B8)

For Mencius, the message is clear; the rulers should be held for responsible for a good state. If a ruler's political decisions fail to meet the requirements of *Ren*, the political authority of the ruler cannot be justified. In such a case, the ruler is a '*lone fellow*,' and therefore ought to be overthrown.

3.2 The 'General Acceptability' Approach to Political Authority

Many democratic theorists may argue against the political authority of the Confucian *Ren* statespersons, which is founded upon a meritocratic view of political authority, i.e., political truths entail political authority. As discussed in Chapter 2, David Estlund attaches substantial importance to political expertise and political truths. However, he objects the meritocratic view of political authority. Estlund believes that the fundamental standard in the judgement of political authority should be a 'general acceptability condition,' which is a 'necessary condition on the legitimate exercise of political power' (Estlund 2008: 41).

Estlund contends that any legitimate political authority needs 'a justification accepted by all qualified points of view' (ibid. 33). Niko Kolodny further explains Estlund's acceptability principle of legitimate political authority.

> A decision to use coercion or force is legitimate—it is permissible to carry it out—only if it issues from a procedure that has a justification that no qualified judge could reject. The decision is authoritative—one is required to comply with it—if it would have been wrong to refuse to promise to obey the decisions that issue from that procedure. One reason why it is sometimes not wrong to refuse to promise to obey is that every justification for so promising is one that some qualified judge could reject. (Kolodny 2014a: 223)

The primary theoretical purpose of Estlund's acceptability principle is to bring in political truths without privileging any particular class of knowers. Just like Arendt and Rawls, Estlund also worries about the authoritarian character of political truths. His strategy is to limit the political authority of 'political truths,' by keeping 'political truths' within the constraint of the 'general acceptability condition.'

Thus, if the justification of the meritocratic selection of the Confucian *Ren* statespersons were to be rejected by some qualified judge, the political authority of the Confucian *Ren* statespersons would fail to meet the 'general acceptability condition,' and would, therefore, be illegitimate, despite the intellectual and moral superiority the Confucian *Ren* statespersons possess. However, it seems that democratic authority can also fail to meet the 'general acceptability condition,' as it is also possible for the justification of democratic procedures to be rejected by some qualified judge.[38]

A more sophisticated version of Estlund's 'general acceptability condition' holds that not all grounds for objections can be counted as similarly 'qualified' or 'reasonable.' Estlund's standard of the 'general acceptability condition' appears to conflict with his rejection of the proceduralist view of democracy (see Chapter 2 of this thesis). For it appears that in actual political practice, the only way to tell whether certain political decisions meet the 'general acceptability condition' is to hold a referendum under universal suffrage, which is precisely what proceduralists would do in practice.

[38]For other criticisms of Estlund on this point see Quong (2010) and Arneson (2009). This matter is discussed further in subsequent chapters.

One of the primary purposes of the various accepted democratic procedures is to test precisely whether a particular political proposal enjoys 'general acceptability.' Therefore, the effect of the standard of 'general acceptability' is very similar to that of the standard of 'procedural rationality.' In short, Estlund has not given us adequate reasons to believe that his 'general acceptability condition,' especially in real practice, is distinct from the democratic procedural principle to which he is objecting.

Estlund's strategy of using 'general acceptability condition' to object meritocratic view of political authority depends on three assumptions:

> EA1: It is possible that if those who are intellectually and morally superior become rulers, they will use coercive power to dictate what citizens should do, thus leaving no room for personal choices or liberties.
>
> EA2: In reality, there is a wide scope for reasonable disagreement on who possesses genuine political expertise. The question of who possesses authority as a genuine political expert is also highly contestable.
>
> EA3: When political decisions made by experts are substantively better, that is not in itself a positive reason to implement them, nor to trump any objections on the part of those affected by them.

As will be made clearer in the following sections, Estlund's assumptions (EA1, EA2 and EA3) are contestable, and are not in themselves sufficiently self-evident to serve as conclusive refutations of the political authority of the Confucian *Ren* statespersons. It is also argued that even if one accepts Estlund's assumptions, these concerns are also applicable to democratic political authority; in which case a mutually exclusive choice between Confucian political authority and democratic political authority becomes a problematic perspective.

3.21 Confucian Moral Persuasion

EA1 is about the coercive power of the political decisions made by the Confucian *Ren* statespersons, which latter stem from their political authority. The application of the 'general acceptability condition,' in Estlund's view, is to make sure 'no one has an

authority or legitimate coercive power over another without justification that could be accepted by all qualified points of view' (Estlund 2008: 33). This resonates with Rawls's 'liberal principle of legitimacy:'

> Since political power is the coercive power of free and equal citizens as a corporate body, this power should be exercised when constitutional essentials and basic questions of justice are at stake, only in ways that all citizens can reasonably be expected to endorse in the light of their common human reason. (Rawls 1996: 139-140)

Presumably, there are three characteristics of political decisions: firstly, political decisions are implemented in light of a compelling authority. Secondly, citizens are not subjected to political decisions on a merely voluntary basis. Thirdly, political decisions involve the use of coercive power (The characteristics of political decisions will be discussed in Chapter 5). Hence, some may worry about the unlimited use of coercive power by the Confucian *Ren* statespersons who make all the political decisions.[39] It is possible that if those who are intellectually and morally superior become political leaders, they will resort to dictating what citizens should do, thus leaving no room for personal choices or liberties.

Hence, Thomas Metzger uses the term 'epistemological optimism,' which is the opposite of the 'epistemological fallibility (of human beings),' to describe Confucian beliefs in the possibility of a utopian state run by 'an infallible elite ruling class.' He further implies that this infallible elite ruling class can then impose their moral beliefs on the masses, and dictate what citizens should do, thus leaving no room for personal choices or liberties, which inevitably leads to coercion (Metzger 2005).

However, this implication is attributable to CMD only in a highly-qualified sense. For, even when the Confucian *Ren* statespersons make perfect and infallible decisions for the well-being of their fellow citizens, this does not mean that they will coerce the citizens to follow them in a blatantly direct manner. Indeed, in the *Analects*, Confucius objects to using coercive power in governance.

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[39] Almost all states in human history appeal to a certain degree of coercive power, with regard to certain matters of public interest. This being so, the unlimited use of coercive power is what is problematic, rather than coercive power per se.

> Ji Kangzi (the chief minister of the state of Lu) asked Confucius about governance, 'If I slay those who do not follow the moral Way (Dao 道) in order to encourage those who do follow the moral Way (Dao 道), what do you think of this?'
> Confucius replied, 'Your task is to govern, not to slay; is it not? If you desire goodness, the citizens will be good. The virtue of the Confucian *Ren* statespersons is like the wind; the virtue of the mean citizens is like the grass. When the wind blows over the grass, surely it will bend.' (*Analects* 12.19)

> The Master said, 'If a ruler used moral persuasion to govern for a hundred years, violence and killing would be utterly wiped out.' (*Analects* 13.11)

Therefore, the political authority of the Confucian *Ren* statespersons may not necessarily involve coercive power, as early Confucians favours moral persuasion, rather than political force, to rule the state. In classical Confucianism, the imperative of moral persuasion requires the rulers to first of all establish themselves as good examples for the citizens to follow (*Analects* 2.20, 3.26, 12.17, 12.18, 13.1, 13.13, 13.6, *Mencius* 4A4, 4A20), and secondly, to rule by virtue, rather than by political force. It is well-known that Confucius advocates 'the rule by virtue' (*Weizheng yide* 為政以德), as he says, 'He who rules by virtue is like the north polar star in the Heaven, which keeps its place and all stars turn towards to it' (*Analects* 2.1).

As discussed in Chapter 2, early Confucians distinguish two forms of government: 'Hegemonic Government (*ba zheng* 霸政)' and '*Ren* Government (*Ren zheng* 仁政).' 'Hegemonic Government' governs citizens by political power. '*Ren* Government' governs citizens by virtues. In classical Confucianism, moral persuasion is the most important attribute of the '*Ren* Government.' Also, it is precisely what the 'Hegemonic Government' lacks.

> Mencius said, 'He who uses forces under the guise of *Ren* is a hegemon, and a hegemon has to have a large state in the first place (then he is in a position to use force). He who uses virtues to practise *Ren* is a true King of the world, and to do so, he does not need anything large.' (*Mencius* 2A3)

‘Hegemonic government’ promotes governance by coercive power. The state adopts a system of penalties, in order to keep political order and to enhance the efficacy of political directives. If the citizens do not comply with these directives, the state will impose penalties on them.

Mencius points out that ‘Hegemonic government’ entraps its citizens; i.e., if a ruler focuses on governing citizens by legal punishments rather than providing the citizens with their basic material and spiritual needs, the citizens will not have a ‘fixed heart’ and will go astray. Thus, if the ruler punishes his citizens, despite their not having the ‘fixed heart’ that ought to have resulted from more benevolent governance on his part, he actually entraps the citizens (*Mencius* 1A5, 1A7). Therefore, Mencius advocates that the state should focus on governing citizens according to the requirements of *Ren*, in order to spare as many citizens as possible from legal punishments.

Confucius contends that the negative result of this ‘Hegemonic Government’ is that whenever citizens commit crimes or fail to fulfil their civic duties, they merely feel afraid, rather than ashamed.

> The Master said, ‘Govern them by political power, regulate them with force, and the citizens will flee from you and have no sense of shame. Govern them by virtue, regulate them with ritual, and they will keep their self-respect and become upright.’ (*Analects* 2.3) [40]

‘*Ren* Government’ (*Ren zheng* 仁政) promotes governance by moral persuasion. It uses virtue and rituals to keep political order, rather than coercive power or penalties. In order to make Confucian moral persuasion effective and efficient, the Confucian *Ren* statespersons must themselves meet the requirements of *Ren* in the first place. And in accordance with this, they are required to set a good example for their fellow citizens to follow.

[40]See also 12.19, 13.6 of the *Analects* and chapter 4 of the *Great Learning*. Here, Confucius investigates the ideal case, i.e., the one where certain penalties should not be necessary.

Compared with 'Hegemonic Government,' '*Ren* Government' makes it more likely that citizens comply with political decisions of their own accord. This is because Confucian moral persuasion has the potential to make most citizens reasonable; so that most citizens will feel ashamed of failing to fulfil their civic duties rather than afraid of incurring the wrath of the rulers for thus neglecting their responsibilities. Early Confucians believes that most citizens would be willing to support political decisions made by their rulers if the rulers always appeal to moral persuasion, rather than to their political power.[41]

Moreover, if moral persuasion works perfectly, i.e., the rulers set themselves as good examples, some institutional arrangements would no longer be necessary as a first resort; such as prisons, and police prosecutions. The political power of the government would thus be very limited, and some non-state agencies, such as the family or the school, can better fulfil the multiple functions of the government.

For early Confucians, the primary purpose of moral persuasion is to win popular support. The only way to win popular support is to win the hearts of the citizens.

> Mencius said, 'When one use force to make citizens submit, one does not win the hearts of the citizens. When one use moral persuasion to make citizens submit, citizens are pleased to the depth of their hearts, and they sincerely submit.' (*Mencius* 2A3)

> Mencius said, 'King Jie's and King Zhou's (both kings are tyrants) loss of the throne arose from their losing the support of the citizens, and to lose the support of the citizens means to lose their hearts. There is a way to rule: win citizens' support, and you will win the state. There is a way to win citizens' support: win their hearts, and you will win their support. There is a way to win citizens' hearts: it is to collect for them what you desire, and not to lay on them what you dislike. (*Mencius* 4A9)

[41]Some democrats may argue that convincing people to support political decisions can only be achieved democratically. On the other hand, as Gerhard Overland, Christian Barry and Rinchard Wollheim argue, there may be other alternatives. For example, people may comply with a political decision based on a false belief that this decision is made democratically (Overland and Barry 2011: 113, Wollheim 2001: 83).

For early Confucians, besides setting themselves as good examples, the Confucian *Ren* statespersons are also responsible for the moral education of their fellow citizens. Mencius says, 'The Confucian *Ren* statesperson has three delights, and being a ruler is not among them…educating citizens is his delight' (*Mencius* 7A20). Appealing to legal punishments presupposes that some citizens are no longer willing to believe and study the political truths of *Ren*, and to develop their potential moral capacities. Because the use of legal enforcement potentially undermines the importance of moral education as a mechanism to maintain political order. Early Confucians are more concerned with using moral persuasion to 'win the hearts of the citizens' (*De minxin* 得民心), in order to bring citizens into compliance with political decisions, rather than resorting either to force or to legal punishments (*Mencius* 7A14).

However, this moral persuasion may conflict with some aspects of liberalism. In particular, there is a traditional liberal scepticism of the role of the government in moral persuasion, as well as in the moral education of the citizens. In this vein, one might argue that moral persuasion can also be coercive and that the stress early Confucians laid on the role of the government in moral persuasion itself may be a form of coercion. It is possible that the government or the Confucian *Ren* statespersons may coerce citizens into changing their moral beliefs. Why not just let citizens have their own moral beliefs, and act on them?

Citizens often have different moral beliefs. However, the presence of certain settled common moral beliefs among the citizens, such as a common understanding of justice, may be necessary for effective and efficient governance. For example, if citizens have discordant understandings of the laws, their appeals to their own rights might be in conflict. This may lead to coercion, as one person may believe that he has a right to coerce others in order to protect his own rights.

Jeremy Waldron argues in his *Law and Disagreement* that in our political lives, we not only disagree with others but also need to practice cooperation in order to achieve valuable ends (Waldron 1999: 102). If we simply act in accordance with our own understanding of justice, or with whatever kind of cooperation we think matches our own moral beliefs, we will always fail to cooperate successfully. Therefore, citizens may have a practical reason to refrain from merely acting on their own moral beliefs. For the purposes of successful cooperation, moral persuasion might be necessary; citizens are

more likely to accept and act in accordance with a common understanding of justice than a purely partisan understanding of such (The following chapters will discuss this further).

Moreover, a deeper exploration of classical Confucianism will show that Confucian moral persuasion is not intrinsically coercive.

Firstly, as discussed above, early Confucians believed that the nature of moral persuasion lies in the rulers establishing themselves as good examples for other citizens.

> Ji Kangzi (a powerful government official) asked Confucius about the art of politics. The Master said, 'Politics is straightening. If you lead along a straight way, who will dare go by a crooked one?' (*Analects* 12.17)
>
> The Master said, 'When the ruler's behaviours are moral, his government is effective, even without having to issue any orders. However, if the ruler's behaviours are immoral, even he gives orders; citizens will not follow him.' (*Analects* 13.6)
>
> The Master said, 'If the ruler loves ritual, then none of the ordinary citizens will venture to be disrespectful. If the ruler loves righteousness, then none of the will venture to be disobedient. If the ruler loves trustworthiness, then none of the ordinary citizens will venture to act insincerely.' (*Analects* 13.4) [42]

Early Confucians believe that for moral persuasion to be successful, the rulers must keep correcting and cultivating themselves, in order to meet the requirements of *Ren*. The rulers can thereby use their virtue to influence their fellow citizens.

> The Master said, 'If you can learn to correct yourself, what trouble could you have in ruling a state? However, if you cannot correct yourself, how can you hope to criticise others?' (*Analects* 13.13)

[42] For similar passages, See *Analects* 2.20, 3.26, 12.18, 13.1, 13.13.

> The Master said, '(the ruler) cultivates in himself the capacity to be diligent in his tasks… to ease other citizens… If he can do so, could even Yao or Shun (ancient sage Kings) find cause to criticise him?' (*Analects* 14.42)

> Mencius said, 'If your rule fails to make citizens follow you, examine your own wisdom…always examine yourself when you fail (to rule the state) ... If you are right in your own person, the whole world will pledge allegiance to your rule.' (*Mencius* 4A4)

For early Confucians, the essence of 'moral persuasion' is the Confucian *Ren* statespersons' adherence to *Ren*. They begin with their own self-correction and self-cultivation; they then set good examples for other citizens, and use their virtue to influence other citizens, and finally bringing 'peace and order to the world' (*Mencius* 7B32).

> Mencius said, 'When the ruler pursues *Ren*, every citizen pursues *Ren*…Once the ruler set himself as an upright example, the whole state will be stabilised.' (*Mencius* 4A20)

Secondly, early Confucians assume that there are certain potential virtues (benevolence, righteousness, decorum and wisdom) that are innate to every citizen. Every citizen is born with these potential virtues; early Confucians thus believe that moral education is important, as it helps citizens develop their innate capacities and actualise their potential virtues (*Mencius* 2A6, 6A6, 7A21). In CMD, moral education is not intended to directly and coercively instil static virtues into citizens who are merely receptacles of moral dogmas; for ultimately, everything still depends upon the judgements of the individual citizens, as derived from the exercise of their own free will and agency. Chapter 6 of this thesis will discuss this matter further.

Therefore, even though early Confucians believe that the government should be in charge of moral persuasion, this does not necessarily mean that the government should be obliged to coerce citizens into changing their moral beliefs. For example, in a famous allegory, Mencius says that farmers who assist seedlings to grow long by pulling them up not only fail to help the seedlings but do actual harm to them (*Mencius* 2A2).

Mencius uses this allegory to argue that moral persuasion would actually be counterproductive if it were coercive. The government only provides citizens with an equal opportunity to moral education and helps them develop their own potential intellectual and moral capacities to make reasonable judgements. Confucian moral persuasion leaves room for free choices, rather than merely coercing citizens into blindly following moral codes.

However, one may still inquire about what happens to those who still refuse to comply with political decisions made by the Confucian *Ren* statespersons, even after moral persuasion. In reality, citizens often have different opinions about justice and the common good, and they generally disagree about which political decisions will correspond with their own moral beliefs, satisfy their political desires and promote their own benefit (Waldron 1999: 102). It is thus entirely possible that citizens may insist upon disagreeing, even after moral persuasion. This is because if moral persuasion is non-coercive, it may not be effective and efficient in fostering a widespread consensus among citizens; especially in real political practice, rather than in ideal situations.

As discussed above, early Confucians advocate non-coercive moral persuasion, rather than coercive legal punishments, as a means of maintaining political order. However, this relates specifically to ideal situations, in which moral persuasion works perfectly, and in which certain legal punishments are no longer necessary. It seems that early Confucians only assume that every citizen has an equal potential to be reasonable; while early Confucians do not think that in reality, all citizens can become reasonable through moral persuasion alone. Hence, for early Confucians, in non-ideal situations, certain legal punishments are necessary for leading some citizens to follow the moral codes.

> Xunzi said, 'If the ruler only reproves and does not instruct (those who commit a crime), then punishments will be numerous, but evil will still not be overcome. If one instructs but does not reprove, then criminals will not be chastened.' (*Xunzi* 10.14)

In other words, early Confucians never fully renounce the use of legal penalties or punishments; they merely treat it as a last resort. [43]

[43] Hsiao Kung-chua 蕭公權 argues that early Confucians recognise that some citizens who can only be

> The Master said, 'I could try a civil suit as well as anyone. But better still to bring about that no one will ever resort to bringing a civil suit in the first place.' (*Analects* 12.13)[44]

Moreover, even when this last resort of legal punishments is used, it should be explained using 'correct' language and subordinated to a system of rituals and morality. Otherwise, the punishments will go astray from the intended purpose.

> The Master said, 'If the language is incorrect, then what is said does not concord with what was meant. If what is said does not concord with what was meant, what is to be done will not succeed. If what is to be done do not succeed, then ritual and music (morality) will not flourish. If rituals and music do not flourish, then punishments and penalties will go astray. (*Analects* 13.3)

In short, early Confucians always prioritise non-coercive moral persuasion over coercive legal punishments, in order to maintain political order. The use of moral persuasion means that the rulers keep correcting and cultivating themselves, in order to set good examples for their fellow citizens to follow. The purpose of moral persuasion is to win the hearts of the citizens, by assisting them to develop their own potential intellectual and moral capacities. Through moral persuasion, citizens are more likely to make reasonable judgements; they are thus more likely to endorse the political decisions made by the Confucian *Ren* statespersons who are morally and intellectually superior to other citizens.

3.22 Acceptability and Acceptance

One might argue that the above discussion about moral persuasion, may only be relevant to the question of the justification of widespread endorsement of the *non-coercive* political decisions made by the Confucian *Ren* statespersons. This would still leave some

positively influenced by the threat of punishments; therefore they treat legal punishments as a last resort, rather than denying outright that they may be necessary in some cases (Hsiao 2005: 114).

[44]Xunzi has a similar view, as he argues that legal punishments should be strictly applied as a last resort, and restricted to as few citizens as possible. See *Xunzi* 16.2, 15.4. Xu Fuguan 徐複觀 also argues that the contempt early Confucians show for legal punishments does not mean that they opposed punishments on principle, see Xu (2004).

gaps in the argument for justifying the political authority of the Confucian *Ren* statespersons. For, in our political lives, citizens often disagree about who is intellectually and morally superior, in comparison to others.

This concern resonates with EA2, which is the second assumption in Estlund's objection to the meritocratic view of political authority; as Estlund contends that, in reality, there is a wide range of reasonable disagreement regarding the recognition of genuine political expertise; as also regarding the acceptance of the authority of genuine political experts.

However, in his book, Estlund appears to be applying a 'double standard' as he conflates the context of real practices and with the context of ideal theories. When he criticises meritocratic authority by highlighting the problem of wide disagreement regarding both the acceptance of political expertise and the authority of such expertise, Estlund uses an 'actual acceptance' view: political justifications must be acceptable to all,' a phrase evocative of real and concrete political practice (Estlund 2008: 46). However, when he proposes his 'general acceptability condition' in order to defend democratic authority, Estlund uses 'acceptability;' this implies, by contrast, an ideal test or criterion. At the end of his book, Estlund himself acknowledges that his theory of 'general acceptability' is too abstract to be applied in political practice and that there are too many ideal conditions which are unlikely to be met in the context of the concrete reality of politics (ibid. 270-275).

In order to avoid such a 'double standard,' this thesis will attempt to compare CMD and modern democracy in the same context, instead of conflating 'the ideal and abstract' with 'the non-ideal and concrete.' EA2 is mainly concerned with non-ideal situations. It is premised on the view that:

> EA2a: Even reasonable citizens could fail to recognise political expertise.
>
> EA2b: It is reasonable to withhold consent to the authority of political experts, because any group of decision-makers may make biased political decisions.[45]

[45] Thomas Christiano points out that the inherent nature of human beings includes a favourable cognitive bias toward one's own interests and background (Christiano 1996: Chapter 5).

However, this thesis argues that both EA2a and EA2b do not contribute towards the justification of the superiority of democratic political authority over meritocratic political authority.

If proposition EA2a 'even reasonable citizens could fail to recognise political expertise' were true, then universal suffrage and elections in democracies would be problematic. This is because it is reasonable to assume a substantial proportion of voters cannot make reasonable judgements about what is to their own benefit, as well as how to actually seek their own benefit. The question of who is morally and intellectually competent to make political decisions in modern democratic societies can also be a topic where most voters are confused.

Alexander Guerrero argues that in today's representative democracies, any reasonable recognition and evaluation of popular representatives on the part of the citizens can be thwarted by various kinds of ignorance, such as:

> ignorance about what one's representative is doing ('conduct ignorance'), about a particular political issue ('issue ignorance'), about whether what one's representative is doing is a good thing in general ('broad evaluative ignorance'), or about whether what one's representative is doing will be good for oneself ('narrow evaluative ignorance'). (Guerrero 2014: 140)

Guerrero also points out that 'issue ignorance' and 'conduct ignorance' make it difficult for citizens to monitor the 'meaningful accountability' of their representatives (ibid.139-140).

A large body of empirical studies has shown that most voters in modern democratic countries are lack of basic political knowledge. 77% of British young adults cannot tell the difference between the political persuasions of the main political parties (Denver & Hands 1990). Nearly 70% of Americans believe that 'from each according to his ability, to each according to his needs' is from their constitution. 89% Americans do not know who is the chief justice of the Supreme Court (Somin 2010: 258). More than half of the Americans do not know whether federal taxes have increased or reduced.[46] Almost half

[46] Przybyla, H., & McCormick, J. (2010, October 10). Poll: Americans Don't Know Economy Expanded

of Americans think that the Constitution can be suspended by the president (Bovard 2005: 13). During the Cold War, 62% of Americans believed that the Soviet Union was a NATO country (Somin 1998). Moreover, Russell Hardin contends that voter ignorance is 'rational and moral.' In modern democratic countries, voters would be irrational and immoral to spend time on improving their political competence, rather on things which are far more valuable and morally praiseworthy (Hardin 2009: 235). Arneson also argues that considering the costs and benefits of voting in a large democratic society, it is 'at least morally permissible and very probably morally required' for voters to remain ignorant (Arneson 2009: 202).

Various responses have been given to the problem of voter ignorance since the nineteenth century. John Stuart Mill proposes the scheme of plural votes. On this scheme, at least one vote was assigned to each individual, but additional votes were assigned to those who proved their intellectual superiority (Mill [1861] 2010: chap.8). Some contemporary political philosophers hold similar notions. For example, Jason Brennan argues that suffrage should be restricted to citizens of sufficient political competence. He suggests that a properly administrated voting examination system could serve to implement this principle, as he proposes to 'experiment with voter examination systems on a relatively small scale at first. For instance, perhaps it would be best if one state in the US tried the system first … If the experiment succeeds, then the rules could be scaled up' (Brennan 2011: 24).[47] The ideas of Mill and Brennan resonate with the institutional arrangements of CMD, which will be discussed in Chapter 6 of this thesis.

If it were true that EA2b 'it is reasonable to withhold the acceptance of the authority of political experts because any group of decision-makers may make biased political decisions,' most democratically elected representatives or legislators could not be trusted. This is because that many legislators, who are meant to serve the voters of their constituencies, are highly likely to make biased decisions, as it is hard for them to be free from special interests, and in particular, from the immediate and narrow interests of their constituencies.

With Tax Cuts. Retrieved September 1, 2014, from Bloomberg: http://www.washingtonpost.com/wp-dyn/content/article/2010/10/29/AR2010102901403.html accessed on June 15, 2015.

[47] Brennan's proposal may be more appropriate for China, where the central government has the power to carry out experimentation at the local level which can be scaled upwards, and where the political culture is less anti-elitist.

Moreover, if there is a severe conflict of interests between the needs of voters and the needs of non-voters, the former will almost always have priority. Democratically elected legislators may be 'short-sighted,' and democratic political arrangements usually fail to protect the interests of non-voters,[48] including people's ancestors (Qian 1982: 7, Jiang 2012:chap.1), [49] future generations (Mulgan 2011, Berggruen and Gardels 2013), [50] and foreigners (Landler 2012). [51]

If, as Estlund argues, there are wide reasonable disagreements regarding the recognition of political expertise and on accepting the authority of political expertise, there should also be wide reasonable disagreements on the requirement of 'general acceptability' as well. Voters, especially those who lack basic knowledge of politics, may have a superficial understanding of 'general acceptability,' and they may fail to make reasonable judgements on which political decisions will best meet the condition of 'general acceptability.'

It seems even Estlund himself does not give a sufficiently clear definition of his 'general acceptability condition.' He claims that his condition does not amount to a kind of Rawlsian intolerance, whereby every qualified unacceptability should form part of political justification. For Estlund, the purpose of his acceptability condition is to take 'qualified' objections 'seriously.' In light of this imperative, the objections need not be correct in order to be 'qualified.'

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[48] Some scholars believe that animals are also non-voters, who are affected by the policies of the voting community. Since humans often abuse animals for their own needs, Donaldson and Kymlicka (2011) argue for the need to appoint special legislators with the task of arguing on behalf of the interests of animals.

[49] In ancient China, the dead were considered at least as important as the living; an important part of political activity involved ceremonies connected with ancestor worship (Qian 1982: 7). Jiang Qing advocates that the government establish a house entrusted with the special task of maintaining the cultural continuity of a nation's traditions. This is would, in a sense, ensure that the ancestors of the citizens, as well as the living, could enjoy political representation (Jiang 2012: Chapter1).

[50] Children and future generations, are both deprived of the vote. One negative consequence of this is 'consumer culture' politics: 'Voters constantly demand instant gratification and have no patience for long-term structural reform or for politicians who impose pain, with the result that entitlement spending and public debt explodes to unsustainable levels' (Berggruen and Gardels 2013: 9). Democratic voters rarely make significant personal sacrifices to the interests of future generations. The climate change issue is one example. Mulgan suggests that democratic voters' 'intergenerational compassion has been proved inadequate' (Mulgan 2011: 213).

[51]One example is the WTO laws suits and bans on products made in China by the American government, under various pretexts. For example, in 2012, the Obama administration filed a WTO lawsuit which was clearly intended to cater for American voters from in the 'industrial battlegrounds' of his presidential campaign (Landler 2012).

However, it is not clear at all what kind of objections/unacceptability should count as 'qualified.' Further clarification of certain concepts is needed, such as 'qualified,' 'acceptable' and other conceptions relevant to the criterion of 'acceptability.' It seems Estlund has not specified any of these conceptions; he admits that 'We have not specified which points of view should count as qualified for this purpose, nor will we do so in any complete way' (Estlund 2008: 36).[52]

There is a risk that in democratic elections, a particular class of candidates may take advantage of their political expertise, as well as ignorance among the citizens, in order to persuade voters to change their current political opinions concerning the criterion of 'general acceptability,' in the hope that the voters will eventually accept the candidates' view of what kinds of political decisions are generally acceptable.[53] It is thus possible that the political authority of democratically elected political leaders may still be founded upon their expertise in political matters, even when they already meet the precondition of 'general acceptability.'

In short, EA2 is founded upon the consideration of certain 'facts' in non-ideal situations. However, if one limits oneself to considering non-ideal situations only, the concerns raised in EA2 challenge democratic political authority as well, and not meritocratic political authority alone. Thus, because of widespread political ignorance among citizens in modern societies, it is challenging for any kind of political authority to truly meet Estlund's 'general acceptability condition' in reality.

3.23 Expert/Boss Fallacy

Compared with EA1, EA2, i.e., the third assumption in Estlund's objection to meritocratic political authority is more convincing: when political decisions made by experts are

[52]At the end of his book, Estlund argues that his general acceptability conditions are 'unlikely to be met, though that is no objection since they are apparently not impossible to meet.' (Estlund 2008: 275). Estlund also claims that 'originality and detail at the level of institutions and concrete practices are not the areas where I have tried to make my contribution. What I offer instead is a philosophical framework' (ibid. 20).

[53] There is a vast literature discussing widespread evaluative ignorance within a number of constituencies (Ferejohn and Kuklinski 1990, Lupia 1992, 1994). Some democratic theorists argue that even if constituents are ignorant concerning some issues, the voting is still meaningful; this is because the signals themselves are reliable (Grofman and Norrander 1990). However, as Arthur Lupia points out: 'these arguments are of limited helpfulness when we attempt to understand voter decision-making in circumstances where information providers are not perfectly credible and may, in fact, have an incentive to mislead constituents' (Lupia 1994: 67).

substantively better, this is not, in itself, a positive reason either to implement them or to trump the objections of those affected by them.

EA3 is not so much concerned with any 'facts' in non-ideal situations, as with an *Expert/Boss Fallacy*: 'To the person who knows better, the other might hope to say, "You might be right, but who made you the boss?"' (ibid.40). It has become a dominant view in political philosophy that when political decisions are substantively better, that is not, in itself, a positive reason to implement them; nor is the purported superiority of the decision in question sufficient to trump citizens' objections, as to how these decisions may impact on them.

One might argue that even if the political decisions made by the Confucian *Ren* statespersons are good enough to satisfy everyone's interests, it is still not possible to justify subjection to these political decisions without consent. To put it another way: if the authority of a political decision is objectionable, the reason may not be because there is an actual utilitarian reason to refrain from implementing the decision, but rather because someone's disagreement serves as a barrier to the implementation of such decisions. Hence, the authority of any political decision needs to be founded either upon consent or upon being generally acceptable to 'common human reason' (in a Rawlsian sense),[54] rather than upon expertise or correctness.

However, there are some situations where it is indeed possible to justify the authority of experts, with or without consent have previously been given to the authority. For example, during a medical treatment, it is evident that expertise entails authority. Moreover, sometimes it is morally wrong to refuse to consent to the authority of experts. For example, if there is an adequate and effective public justice system, it is a moral necessity for citizens to consent to the authority of a system of judicial trial.

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[54] 'Common human reason' plays an important role in Rawls's 'liberal principle of legitimacy.' Rawls argues that 'our exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason. This is the liberal principle of legitimacy.' (Rawls 1996: 137). Rawls does not offer a clear definition of 'common human reason.' He only points out that there are certain common elements in all ways of reasoning. These elements include 'the concept of judgment, principles of inference, and rules of evidence, and much else.' Thus, Rawls contends that 'a way of reasoning, then, must incorporate the fundamental concepts and principles of reason, and include standards of correctness and criteria of justification. A capacity to master these ideas is part of common human reason' (Rawls 1996: 220).

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Estlund points out that political authority is different from the authority of doctors or judges, since 'most of us have never consented to the political authority of the government that rules over us' (ibid. 3). However, Estlund's view is not sufficiently convincing. For, it is still not clear where the difference lies between political decisions and judicial trials; since in general, people often do not consent to the authority of a judicial trial either.

This appears to be a second example of a 'double standard'. Whenever Estlund safeguards normative truths or procedure-independent standards in the evaluation of political decisions, he uses the analogy of a judicial trial. However, when justifying his 'general acceptability' criterion and explaining the expert/boss fallacy, Estlund uses the notion of 'consent' to draw a clear line between judicial systems and the realm of politics. It is not obvious, how to determine cases where expertise entails authority, versus those where it does not.

Even if it is assumed that politics is different from other cases such as medical treatment or judicial trials, it is unclear why 'consent' is a necessity in the justification of political authority. In other words, the problem is why it is unfair to implement a better political decision if others have not consented that the decision in question is indeed better (Shapiro 2000, Singer 2001, Waldron 1999).

In non-ideal situations, as discussed in the previous section, the concerns pertinent to 'consent' would make more problems for democratic political authority than for meritocratic political authority. This is because, in democratic societies, voters always disagree about which political decision or political leader is better than others. For example, nearly half of the British citizens have to comply with 'Brexit,' a decision to which they have not explicitly consented. More than half of Americans have to accept the presidential inauguration of Donald Trump, although they have not explicitly consented to his presidency. In such cases, if 'consent' were of great importance in the justification of political authority, the political authority of 'Brexit' and Donald Trump would be problematic. Moreover, if most citizens did not consent to the appropriateness of democratic procedures, the democratic political authority over them would be illegitimate for them. Such a scenario is easily conceivable in reality, as there is wide disagreement

about the value of democracy among citizens of some countries in the Middle East and East Asia.[55]

In ideal situations, 'consent' is not so much a matter of the actual political opinions of voters, but rather with the fairness of the procedures orientated towards gaining the consent of the majority of voters. If the essence of consent lay in procedural fairness, rather than consequential justice, the political authority of political leaders selected by lottery (in which officials are selected randomly) would be less problematic than that of democratically elected political leaders. This is because a lottery embodies more procedural fairness than democratic elections do, and very few citizens do not consent to the results of a lottery. Chapter 5 of this thesis will include a more detailed discussion of this topic.

To sum up, Estlund's assumptions (EA1, EA2 and EA3) in his objection to the meritocratic view of political authority are not self-evidently true. As discussed in the preceding sections and will be further elaborated upon in the rest of this chapter, even if one accepts all these assumptions and insists that 'consent' is a necessity in the justification of political authority, it may still be problematic to apply Estlund's approach as a criticism delegitimising the political authority of the Confucian *Ren* statespersons in CMD. This is because that if one philosophically breaking down the role of 'consent' in the justification of political authority, one might find that the Confucian conception of political authority is compatible with the practical aim of the democratic conception of political authority.

3.3 Serve the Well-being of the Citizens

For those who attach great importance to 'consent' in the justification of political authority, what is objectionable may not be the existence of political decisions to which citizens could not actually consent; rather, what is really objectionable is the content of any political decisions to which citizens could not hypothetically consent.[56] For, it

[55] In *Rule of the Many* and *Constitution of Equality,* Christiano argues that Singer's view of consent is vulnerable to this kind of objection. See (Christiano 1996, 2008). Estlund also tries to avoid this problem. See (Estlund 2008: 60-61).

[56] This idea resonates with John Rawls' 'Liberal Principle of Legitimacy' (1996). Many Western political philosophers share this view (Cohen 2009, Nagel 1995, Estlund 2008).

appears that whether citizens actually express their consent in the process of making political decisions does not matter, as long as the content of these political decisions is in a position to serve the material well-being and spiritual well-being of the citizens. Here, the spiritual well-being of the citizens relates to the attitudes of the citizens; including their philosophy of life, moral outlook, and religious convictions, as long as these are reasonable or compatible with 'common human reason' (in a Rawlsian sense).

For the purposes of making political decisions to which, hypothetically speaking, citizens could reasonably consent, the content of the political decision in question needs to correspond with the attitudes of the citizens correctly. Therefore, the political decision should be in a position to not merely serve the material well-being of the citizens, but more importantly, to serve the spiritual well-being of the citizens also.

Early Confucians insist that political authority should be founded upon serving the well-being of the citizens. A well-known example is that Mencius, who explicitly argues that the well-being of the citizens is the essential concern of the state.

> Mencius said, 'The citizens are of supreme importance; the next is the altars to the gods of earth and grain; last comes the ruler. Therefore, whoever enjoys the support of the citizens will be the ruler.' (*Mencius* 14.14)

Xunzi also explicitly argues that citizens are not for the well-being of their rulers, but, rulers are established for the sake of the well-being of their fellow citizens (*Xunzi* 27.66).

Many Confucian scholars believe that in Confucian political thought, 'the well-being of the citizens as the ruling foundation' (*minben* 民本) is the most fundamental principle of government (Chan 2007: 184-186).

Moreover, early Confucians insist that government should be responsible not only for serving the material well-being of its citizens but also for serving their spiritual well-being. This is the main reason why early Confucians attach great importance to education. Confucius claims that every citizen has an equal educational opportunity (*Analects 15.39*). Mencius even states that the rulers who provide citizens with a good education will get more support from the citizens than the rulers who are good at governing.

> Mencius said, 'Good government does not win the citizens as good education does. He who is good at governing is feared by the citizens; he who provides the citizens with a good education is loved by them. Good government delivers the wealth of the citizens; good education wins citizens' hearts.' (*Mencius* 7A14)[57]

It seems that early Confucians have a belief in democracy, since most of them, especially Mencius, contend that the state should consider the citizens to be of supreme importance. However, some modern Confucian scholars compare Confucian political thought with modern democratic theories, and argue that early Confucians intend to propose a government 'for the people' or 'of the people,' but never 'by the people' (Hsiao 2005: 161).[58] A careful reading of the relevant paragraphs in Confucian classics reveals the fact that even if early Confucians claim that every citizen is of great importance, they do not endorse the notion that every citizen should have control over the political decision-making (Tiwald 2008: 279).

For example, Mencius claims that when employing a minister, the ruler should listen to the citizens. As he tells the King:

> When those (ministers) on your left and right all say that someone is worthy, you should not yet believe it. When the great officers all say he is worthy, you should not yet believe it. When all the citizens of the state say that he is worthy, then you should investigate, and if you find that he is worthy, only then should you employ him. (*Mencius* 1B7)

For Mencius, the ruler should always take the opinions of the citizens seriously. However, it is still the ruler who makes the final decisions. If Mencius had been a democrat, he would have said that when citizens make a judgment, an action should be taken in accordance with such a popular judgement.

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[57] The Confucian Classics contain an abundance of passages discussing the importance of education. See *Analects* 1.1, 1.6, 1.7, 1.8, 2.4, 2.15, 5.28, 7.2, 7.3, 7.25, 8.12, 8.17, 12.15, 13.9, 14.24, 15.31, 15.32, 15.39, 16.9, 16.13, 17.8, 19.6, 19.7, 19.13, 19.22; *Mencius* 1A7, 1B3, 1B9, 2A2, 2b2, 3A3, 3A4, 5B4, 7A14, 7A20, 7A40 *Xunzi* 1.3, 1.4, 1.13, 1.14, 1.15, 1.17, 9.1, 9.24, 10.14, 18.26, 16.1, 27.52. Chapter 6 of this thesis will discuss this further.

[58] Tongdong Bai and Joseph Chan hold similar opinions. However, some Confucian scholars, such as Chenyang Li, believe that in Confucian political thought, the state is neither 'of the people' nor 'by the people,' but only 'for the people' See (Li 1997: 185-186)

Mencius believes that the rulers, rather than the majority of the common citizens, should make the final political decisions, as he emphasises the importance of the division of labour among citizens. Mencius contends that one person cannot produce everything and that there must be a distinction between the 'great men' (Confucian *Ren* statespersons) who make a living by using their mind and the 'small men' (common citizens) who make a living by using their physical strength.

> Mencius said, 'Those who labour with their minds rule others; those who labour with their strength are ruled by others. Those who are ruled by others support them; those who rule others are supported by them. This is a universal principle.' (*Mencius* 3A4)

Moreover, Mencius claims that the task of ruling a state is more important than that of labour because the former task demands compassion and wisdom. The 'great men' should focus on promoting the well-being of 'small men,' and thus they cannot be distracted by any manual work. Mencius suggests that most common citizens have insufficient time, and lack knowledge of areas outside their specialisation; they cannot all participate in political affairs because they need to focus on their daily work. Thus, it appears that Mencius would not support the equal participation of all citizens in the process of political decision-making.

It has been argued that although early Confucians assert that the rulers should take the attitudes of citizens into serious consideration when making political decisions, they cannot accept that common citizens should have a certain degree of control over the final political decisions (*Analects* 19.4, 19.7; *Mencius* 3B4). This is because early Confucians believe that most common citizens are lack of actual capacities to make reasonable political decisions, even though they insist that all citizens have equal potential capacities to do so.

3.4 'Control View' of Political Authority

Some might argue that the authority of political decisions cannot be justified by merely taking the attitudes of the citizens into serious consideration when making such decisions. It would still be unfair if some or most citizens have very little control over the process

of political decision-making. Many democratic theorists contend that citizens ought to be in a position to make a difference in political activities. For example, Ronald Dworkin says:

> Demands of agency go beyond expression and commitment. We do not engage in politics as moral agents unless we sense that what we do can make a difference, and an adequate political process must strive, against formidable obstacles, to preserve that potential power for everyone. (Dworkin 2002: 202-203)

Dworkin appears to be referring to a 'control view,' i.e., citizens should have a degree of control over the political decisions to which they are subjected. In other words, whenever citizens change their political judgements or choices, the political decisions taken should also be different. However, why should citizens have a certain degree of control over political decisions? Those who favour this 'control view' usually have two concerns: autonomy and paternalism. Such concerns are at the core of the defences of the superiority of modern democracy over CMD.

3.41 Autonomy

Autonomy is understood as self-rule or having control over a life consistent with plans and objectives that one devises oneself, on an authentically reflexive basis. 'Personal autonomy requires that agents give shape to their own life—exercise authorship over it—by forming judgments and acting on them' (Viehoff 2014: 350).

Those who believe that the autonomous capacity of the citizens is of great importance contend that citizens should have control over their own lives, including their choices of food, their choices of career, or their choices of persons they love. Moreover, the state can only respect citizens as possessors of autonomous capacities by letting them determine not just their individual lives, but also how they all live together in community.[59]

[59] Daniel Viehoff argues that there may be a conflict between one's autonomy-based interests in determining how to live a collective life and one's autonomy-based interests in determining how to live one's own life (Viehoff 2014: 351).

Since political decisions affect choices that citizens make in their individual and collective lives, the protection of autonomy requires that political decisions should be controlled by those subjected to these decisions. It seems that Confucian political authority does not let all citizens have equal control over political decisions, as it subordinates the will of the common citizens to the will of the Confucian *Ren* statespersons. Therefore, Confucian political authority necessitates harming the autonomy of the citizens, and the Confucian *Ren* statespersons limit the autonomous capacity of their fellow citizens to pursue the life they wish to pursue, in light of their own judgement.

It is further contended that, by contrast, democracy can successfully safeguard the autonomy of the citizens by assuring equal participation of the citizens in a political decision-making process. Scott J. Shapiro suggests:

> Democratic decision procedures…distinguish themselves by the degree to which they empower the citizenry. In liberal democracies, citizens are granted the power to exert control over their lives by allowing them, through the franchise, to affect the terms of social cooperation and the direction of collective pursuits. They may affect the shape of the social landscape either directly, by plebiscite, or, more familiarly, indirectly, by the election of representatives…Democracy gives expression to, and create opportunities for the exercise of, the individual's autonomous capacities. (Shapiro 2002: 436)

Thus, one might argue that for the purpose of protecting the autonomy of the citizens or making citizens 'the authors of their lives,' modern democracy is a better form of government than CMD insofar as citizens living in a modern democratic country have a joint 'authorship' of political decisions to which the citizens subject. This seems to be a straightforward justification of the superiority of modern democracy, involving three main premises:

(1) The autonomy of the citizens is of great importance.
(2) A certain control over the political decision to which citizens subject is a prerequisite for the autonomy of the citizens.
(3) Modern democracy lets citizens have control over the political decisions, and therefore is capable of protecting the autonomy of the citizens.

Whether the autonomy of the citizens is of great importance in itself is a contestable point. So is the question of whether it is much more valuable than other things, such as justice or the common good, regarding facilitating flourishing lives for all the citizens (Chapter 4 and 6 of this thesis will elaborate on this).

Even if we assume that (1) is true and that autonomy is vital to citizens, it may still be unclear why the autonomy of the citizens requires the citizens to have control over political decisions. In our daily lives, there are many non-political decisions concerned with our religious practices or relationships with others, which also substantially affect our autonomy or life choices. However, we generally do not feel the need for control over these non-political decisions in order to protect our autonomy; even though many of these decisions seem strictly personal or private.

For example, the decision of marrying a woman I love will greatly influence my life choices in the future, but I do not and should not want to have control over this decision. This is because this decision is also of great importance to the woman's own life choices. For, as people often say, true love somehow cannot be controlled. Likewise, in most religious practices, people cannot and should not want to have control over a decision of letting God or Buddha be their saviour.

In order to evade this objection, it might be possible to revise the definition of 'control,' by arguing that what is required is proportional control rather than full control. In other words, one's control over a decision should be proportional to its effects on one own life choices.[60] However, it is almost practically impossible to compare the effects of the same decision on different life choices on the part of different citizens. There are too many complicated moral or psychological factors need to be taken into consideration, and most of these factors cannot be evaluated merely via a cost-benefit analysis.

Moreover, if 'control' were defined in this 'proportional' way, it would be difficult to explain why all citizens should have an *equal* opportunity to participate in the political decision-making process. This is because very few political decisions have equal effects

[60] Harry Brighouse and Marc Fleurbaey argue 'that power should be distributed in proportion to the citizens' stakes in the decision under consideration' (Brighouse and Fleurbaey 2010: 137–55).

on everyone's choice of life (Chapter 5 of this thesis will provide a specific discussion of political equality).

Even if it is assumed that the autonomy of the citizens requires that they all have control over political decisions, and that therefore, such control is of great importance to citizens; it may be difficult to ensure the protection of the autonomy of the citizens in real political practices. For, in a real democratic process of political decision-making, the relative efficacy of one's decision is dependent upon choices made by millions of one's fellow citizens. In applying his economic theory of knowledge, Russell Hardin contends that each individual vote makes no difference in a large state, especially when there are millions or more voters with the difference made by at least a few thousand votes (Hardin 2002: 212). [61]

In some very unusual cases, such as when a majority wins by a single vote or when there is a tie, one vote does matter in terms of the final result. However, Hardin argues that 'merely for practical reasons of the impossibility of counting votes accurately,' we still are not in a position to judge which part wins only based on one vote (Russell Hardin 2002: 220). Tongdong Bai also points out that 'the statistical error of counting a large number of votes is too significant for one vote difference to be considered meaningfully determining the outcome' (Bell & Li 2013:84).

Even if in some particular cases where one vote does exert much more influence than other votes, this merely means that one has shared a contributory influence with others; this does not entail that one has control over political decisions as such. This is not just the case for individuals, but also for the citizens as a whole (the collective). If one considers this from a 'non-ideal situations' perspectives, it is impossible for the citizens as whole to have control over political decisions, since it is extremely difficult in real practice to identify the will of the citizens as a whole. This is because in real political practices, the wills of individual voters are often divided and complicated, and the options they unite to vote for are often simplistic and limited. Therefore, the result of an election or referendum may not be regarded merely as what the citizens as a whole want (Schumpeter 2003, Riker 2008). [62]

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[61] Russell Hardin further develops such claims in post-war public choice theory made by Mancur Olson, Anthony Downs and Kenneth Arrow (Hardin 2002).

[62] Whether one vote makes any difference in a large democratic state is a complicated and controversial

It is possible to put aside such practical matters and focus only on an ideal democracy where every citizen in the majority has control over political decision-making and where the will of the majority of the citizens as a whole can be identified via 'one person, one vote.' However, the superiority of such ideal democracy over CMD may not be justified merely based on the protection of the autonomy of the citizens. The reasons are as follows.

Firstly, if only a few citizens (Confucian *Ren* statespersons) having control over political decisions is to be understood as harming the autonomy of other citizens, it may not be possible to avoid such a problem merely by letting many more citizens have control over political decisions. This is because it is difficult to guarantee that the control exercised by a substantial number of citizens would be any less arbitrary than the control of a few citizens.

Specifically, in ideal situations, if all citizens had the same intellectual and moral capacities, there would be no difference between the control of a large number of citizens and control of a few citizens. In non-ideal situations, if a few citizens were intellectually and morally superior to others, the control of such intellectually and morally superior citizens would bring about better results than the control of other citizens (Chapter 5 of this thesis will discuss this topic further). It is thus doubtful that incorporating a larger number of citizens would better protect the autonomy of all citizens; especially the autonomy of those citizens whose votes are in the minority.

Secondly, the 'individual autonomy' of the citizens may be threatened by the 'collective autonomy' of the citizens. In 'one person, one vote,' a citizen, to some extent, permits the majority of his or her fellow citizens to make decisions over his or her life. Even when, in turn, the citizen in question is also permitted to make decisions relating to the lives of his or her fellow citizens, the citizen's control over his or her own life remains incomplete and imperfect.

Finally, in an ideal democracy, the collective autonomy of the minority is always threatened by the majority, since the majority always have control over the results of the political decision-making process. Moreover, the collective autonomy of the minority and

issue. Chapter 4 and Chapter 5 will further elaborate upon this.

the majority may be threatened by those who are outside the category of citizens as such; such as the ancestors of the citizens, who have made constitutions which exercise a high degree of control over the life choices of the citizens.

One might ignore the problems discussed above regarding the 'control view' of autonomy, and merely assume that participation of citizens in making political decisions to which the citizens are subjected will protect their autonomy whether they have any actual control over these decisions or not. However, it is possible that democracy may not be a *necessary* condition for the protection of the autonomy of the citizens. This is because other forms of government, such as a colonial power, can also protect the autonomy of the citizens, by letting the citizens participate in rather than control over political decision-making. Nagel contends:

> If a colonial or occupying power claims political authority over a population, it purports not to rule by force alone. It is providing and enforcing a system of law that those subject to it are expected to uphold as participants, and which is intended to serve their interests even if they are not its legislators. Since their normative engagement is required, there is a sense in which it is being imposed in their name. (Nagel 2005)

From the above discussion, it can be concluded that in practice and in theory, democratic participation may not sufficiently guarantee the autonomy of the citizens. Moreover, in some situations, democratic procedures may not even be strictly necessary for such autonomy to be guaranteed. It is now possible to set aside this question of democracy and to return to CMD. Even though CMD is founded upon a Confucian conception of political authority and does not guarantee equal participation of all citizens in a political decision-making process, it does not necessarily involve a lack of protection of the autonomy of the citizens.

The political authority of the political decisions made by Confucian *Ren* statespersons does not in itself negate the autonomous capacities of their fellow citizens; nor is it premised upon any necessity to treat the Confucian *Ren* statespersons as having a better autonomous capacity; nor even does it claim that Confucian *Ren* statespersons have any moral authority over the citizens regarding any non-political decisions.

This is because, in CMD, all political decisions should be made only in accordance with *Ren*, rather than in accordance with the will of any actual human beings. Thus, if *Ren* requires doing A, and the Confucian *Ren* statespersons give their fellow citizens directives to do A, then the citizens should do A purely because that is what *Ren* requires, and not because the Confucian *Ren* statespersons decide that such is indeed the case. Thus, the will of the citizens is not subordinated to the will of the Confucian *Ren* statespersons, but the political decisions made by the Confucian *Ren* statespersons are subordinated to the requirements of *Ren*. Hannah Arendt contends that 'absolute power becomes despotic once it has lost its connection with a higher power than itself' (Arendt 2006: 153). The political authority of the Confucian *Ren* statespersons would not become despotic, as there is always a higher power: *Ren*. *Ren* compels and motivates Confucian *Ren* statespersons to always serve the well-being of all citizens. *Ren* as a higher power is guaranteed by 'Heaven' in theory (as shall be discussed in the rest of this chapter and Chapter 5), and by the institutional arrangements of CMD in practice (see Chapter 6).

Moreover, the political authority of the Confucian *Ren* statespersons does not grant the Confucian *Ren* statespersons any superiority that would legitimise a privileged exercise of their autonomous capacities (This will be further elaborated in the following chapters). Therefore, the Confucian *Ren* statespersons do not and cannot limit the autonomous capacities of their fellow citizens. Hence, the political authority of the Confucian *Ren* statespersons does not necessitate harming the autonomy of the citizens.

3.42 Paternalism

Aside from CMD's purported lack of protection of citizens' autonomy, another potential reason for advocates of the 'control view' of political authority to object to CMD, is the necessity to avoid the paternalistic leadership Confucian *Ren* statespersons might bring. Those who are suspicious of the political authority of experts may argue that even if CMD does not subordinate the will of the citizens to the will of the Confucian *Ren* statespersons, CMD remains objectionable in its paternalism; insofar as it permits the Confucian *Ren* statespersons to make political decisions on behalf of other citizens.

Classical Confucianism has been viewed by many as supporting a paternalistic government. This is because filial piety (*xiao*孝) is one of the highly valued virtues in

Confucianism, and is often regarded as the foundation or the source of the 'loyalty to the rulers' in the Confucian classics.

> The Master said, 'Filial piety starts with serving our parents, then to serve the rulers and finally is achieved in establishing ourselves.' (*Book of Filial Piety* Chapter 1)[63]

For early Confucians, a good ruler is functionally analogous to a parent. Thus, the rulers should treat the citizens as their children.[64] It is written in one of the most famous Confucian classics, *The Great Learning* (*Daxue*大學): 'A ruler should take good care of his citizens as his children.' Mencius argues that 'if one rules as a "parent" of the citizens and yet fails to reduce hunger and poverty, in what sense is he the "parent" of the citizens?' (*Mencius* 1A4).[65] Xunzi makes a clear statement:

> The Confucian *Ren* statesperson is the triadic partner of Heaven and Earth, the summation of the myriad of things, and the 'parents' of the citizens…. When a man of *Ren* becomes the ruler, citizens are as closely attached to him as to their own parents. (*Xunzi* 9.18) [66]

Because of the influence of classical Confucianism, the emperors in Imperial China were often called 'king-fathers (*junfu* 君父),' and the government officials were sometimes called 'parental-officials (*fumu guan*父母官)' of the citizens and 'official-sons (*chenzi*臣子)' of the emperors (Wei 1986: 51).

This being so, some may criticise classical Confucianism for endorsing a paternalistic government. For Immanuel Kant, a paternalistic government is a government 'established on the principle of benevolence towards the people, like that of a father towards his children.' He points out (and it is worth quoting at length):

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[63] The *Book of Filial Piety* (Xiaojing 孝經) is one of the Confucian classics. For a detailed discussion of this book see Hu (1996).

[64] The Great Learning also says, 'Those who are filial to their parents will be loyal to their burden…those who are kind to their children will take good care of other citizens.' For more discussions about this passage see Johnston and Wang (2012).

[65] See also Mencius 1B 7, 2A 5, 3A3

[66] Similar expressions occur in *Xunzi* 10.5, 10.13, 11.15, 11.18, 15.5, 16.2, 18.5, 19.30.

> Under such a paternal government (imperium paternal), the subjects, as immature children who cannot distinguish what is truly useful or harmful to themselves, would be obliged to behave purely passively and to rely on the judgement of the head of state as to how they ought to be happy, and upon his kindness in willing their happiness at all. Such a government is the greatest conceivable despotism, i.e., a constitution which suspends the entire freedom of its subjects, who thenceforth have no rights whatsoever. (Kant 1991: 51) [67]

Kant contends that paternalistic government is objectionable insofar as it deprives citizens' freedom to behave in accordance with their own judgements about their own interests or happiness. Seana Shiffrin makes this point clearer by providing his definition of paternalism: A makes judgements for B or deprives the effects of B's judgements, on the ground that A's judgements are superior to B's, where B's judgments concern either B's interests or legitimate sphere of authority (Shiffrin 2000: 205-250).

However, modern democracies may also be paternalistic in some respects. In most democratic elections, the citizens who are in the majority always deprive the effect of the judgements of other citizens. Of course, one might argue that this is actually not true, because in democracy, any judgement made by the minority is merely smaller in its practical effects; this is not at all the same as saying the minority is in any way inferior to the majority in terms of their capacity to make reasonable judgements about their own interests.

However, in CMD, the ground for substituting a citizen's political judgements for those of the Confucian *Ren* statespersons is not that the citizen's judgement about his or her self-interest is inferior to that of the Confucian *Ren* statespersons, but rather that it is highly likely that the citizen's judgement about the interests of his or her fellow citizens is intellectually or morally inferior to those made by the Confucian *Ren* statespersons.

As will be discussed in Chapter 4, *Ren* requires that citizens must be altruistic enough to sacrifice their self-interest for the well-being of others, in order to make reasonable

[67] For detailed commentary on this passage, see Bobbio (1987: 149).

political decisions. Most citizens might be right about their own self-interest, but it is much more challenging for them to make reasonable judgements about the interests of other citizens. As Thomas Christiano points out:

> People's understandings of other people's interests are likely to be far more fallible and subject to arbitrary influences. In many cases, people simply do not have the knowledge or understanding to come to anything more than an extremely crude and faulty grasp of other people's interests…The more pluralistic a society is the more there will be disagreement, fallibility and the more the cognitive biases will distort their understanding of other people's interests. (Christiano 2008: 57-59)

Moreover, as discussed above, it is possible that some citizens will not merely be ignorant and short-sighted in their capacity to make judgements about the interests of other citizens; in addition, they may also be too selfish to care about the interests of other citizens (The following chapters will explore this possibility further).[68] Therefore, it is possible that in CMD, the Confucian *Ren* statespersons, who are intellectually and morally superior, are better than many citizens in terms of making reasonable political decisions about the interests of these citizens' fellow citizens.

Even if one is considering ideal situations alone, i.e., those in which most citizens can make reasonable political decisions about the interests of their fellow citizens, Confucian *Ren* statespersons could avoid being paternalistic by endeavouring not to make any political decisions based on false assumptions about the interests of any particular group of citizens; at least where such a group denied that their interests corresponded with such false assumptions.

Moreover, the Confucian *Ren* statespersons could avoid being the kind of paternalism whereby powerholders make political decisions based on their own private and partisan judgement alone. Paternalistic government rests upon the assumption that the rulers' political judgements are more reliable than that of their subjects. By contrast, in CMD,

[68] When Hillary Clinton said that Donald Trump would make bad political decisions, the implication is not so much that Hillary Clinton thought that Donald Trump was ignorant of his own interests, but that Trump would be unwilling to recognise the interests of other Americans.

Confucian *Ren* statespersons make political decisions in accordance with the requirements of *Ren*, rather than their own judgements. Therefore, what is reliable is not the judgements of the Confucian *Ren* statespersons, but the requirements of *Ren.*
Moreover, as discussed in Chapter 2 and will be further elaborated in the following chapters, *Ren* is not interpreted by the Confucian *Ren* statespersons, as no one can fully grasp the political truths embodied in *Ren*. Early Confucians claim that *Ren* is made by Heaven, and that it is the attitudes of all citizens that ultimately reveal the acts and deeds of Heaven (*Mencius* 5A5).[69]

In CMD, the legitimacy of the political authority of the Confucian *Ren* statespersons over a citizen is not founded on the superiority of the Confucian *Ren* statespersons' judgements about the citizen's interests. It is possible that the Confucian *Ren* statespersons' judgements are worse than that of a citizen who is intelligent but not sufficiently altruistic, regarding the promotion of the citizen's interests. However, the citizen in question is morally required to comply with the political decisions made by the Confucian *Ren* statespersons, as long as such political decisions are better than his or her own decisions in terms of meeting the requirements of *Ren*, which means such political decisions better promote the interests of his or her fellow citizens in a reasonable way. This will be further explained in the following chapters.

According to the above discussions, the democratic assumptions of political authority, which are often deployed to prove that all citizens ought to have a certain degree of control over political decision-making, are not self-evident. Moreover, these assumptions are inadequate as a refutation of the political authority of the Confucian *Ren* statespersons. On the one hand, the concerns in these assumptions, especially those about autonomy and paternalism, also leave modern democracy vulnerable to similar criticism. On the other hand, CMD has the potential to address these concerns.

3.5 Reciprocity

It is now appropriate to return to the question discussed at the beginning of this chapter about CMB3: whether meeting the requirements of *Ren* much better than others provides

[69] The Mandate of Heaven (tianming 天命) will be discussed in Chapter 5.

sufficient warrant for having political authority over others? Some might argue that in a democratic state, citizens have a moral duty to comply with democratically made political decisions because these decisions are the outcome of a procedure in which everyone has an equal say (Shapiro 2002, Dunn 2006, Christiano 2008, 2004, Singer 2001).

However, in CMD, it seems that there is no such procedure. So, if a political decision has been made by Confucian *Ren* statespersons who can better meet the requirements of *Ren*, how is it possible that a citizen is thereby morally required to implement or comply with this political decision, despite lacking a say in the decision-making process that has resulted in such political decision with which the citizen may profoundly disagree?

Here, a short answer to this question is possible: it is because the political authority of the Confucian *Ren* statespersons is based on 'service' and 'reciprocity.'[70] As will be explained in this section, in CMD, one's acceptance of the political authority of the Confucian *Ren* statespersons is not grounded directly on one's own judgements, nor is it founded upon the pursuit of one's own benefit, but rather in an idea of 'service' and 'reciprocity': everyone has reciprocal obligations towards the well-being of one's fellow citizens, and these, in turn, contribute towards the flourishing of one's own individual lives. Thus, one is morally required to implement or comply with the political decisions made by the Confucian *Ren* statespersons because such political decisions are better than one's own decisions in terms of serving the well-being of one's fellow citizens.

The main purpose of developing this reciprocity-based Confucian political authority is to bring in meritocratic factors in justifying the legitimacy of the political authority of the Confucian *Ren* statespersons, without incurring the risks either of disrespecting individual autonomy, or of falling into paternalism. Compared with democratic political authority, the exercise of Confucian political authority may better support and maintain the state's capacity to provide resources sufficient for every citizen to live a flourishing life (Some possible institutional arrangements in CMD will be discussed in Chapter 6).

3.51 My Own Judgement

[70] As the above sections have already discussed the 'service' aspect of Confucian political authority (the rest of this thesis will further elaborate on this), this section intends to explain 'reciprocity' further.

As discussed in Chapter 2, *Ren* is the totality of the relationship-based virtues that make it possible for citizens to make reasonable political decisions. Early Confucians believe that everyone has an equal potential to pursue *Ren* and that everyone is morally required to pursue *Ren*. *Ren* helps citizens to recognise their reciprocal obligations towards others, as a well-known passage in the *Analects* says:

> As for the requirements of *Ren*: you want to establish yourself; then help others to establish themselves. You want to be reasonable; then help others to be reasonable. To view others' interests as our own interests, this is called the direction of *Ren*. (*Analects* 6.30)[71]

As discussed in the preceding chapters, in CMD, the Confucian *Ren* statespersons are close to *Ren*, and because of this, they always take the interests of all the citizens into consideration. Also, on account of their closeness to *Ren*, they themselves are in the best position to make reasonable political decisions that promote said interests. As a citizen living in CMD, I am morally required to subject to the political decisions made by the Confucian *Ren* statespersons is not because that the Confucian *Ren* statespersons are socially superior to me. Nor is it because they are absolutely correct about how to promote my own self-interest. Rather, it is because their political decisions better meet the requirements of *Ren*, and thus better promote the benefit of my fellow citizens. My fellow citizens have claims on me to comply with these political decisions. In failing to do so, I would be wronging my fellow citizens. The benefit of my fellow citizens, rather than my own judgement or benefit, is the ultimate source of the Confucian *Ren* statespersons' political authority over me.

Some contemporary political philosophers have developed similar arguments that highlight the importance of 'the interests of other citizens' in political decision-making. For example, Jason Brennan argues that because political decisions 'are enforced with violence and the threat of violence,' then every citizen who is subject to such decisions should get some benefit from them and have a stake in them. Therefore, citizens should promote the 'mutual advantage' of all citizens, e.g. personal and physical integrity, health, and some other goods like economic and educational opportunities, rather than cynically

[71] This passage is the 'core' of early Confucian ideas of '*Ren*' and will be discussed further in the following chapters.

taking advantage of their political influence in order to pursue their own narrow self-interest (Brennan 2012b: 119,114).

Thomas Christiano also contends that the reason to comply with any political decisions should be to promote the benefit of others and 'to treat others justly' (Christiano 2008: 237). For Christiano, political authority is based not on 'my own judgement,' but on respecting the judgements of others and treating others equally. He provides two reasons why 'my own judgement' does not matter:

> One, if I rely on my own judgment, I will often be mistaken about what a useful public rule will do. Others will not be able to rely on me if I follow my own judgment alone and I will not be able to rely on them... Two, I will also not be able to rely on my fellow citizens to treat me in accordance with the same rules by which I deal with them if they or all of us follow the rules each of us thinks are best. So the public rule maker enables us to treat each other in accord with a basic principle of equality. (ibid.55)

If Christiano's claims were true, and the political decisions made by the Confucian *Ren* statespersons were more reliable than my own judgements regarding the promotion of the benefit of my fellow citizens, it would be plausible to assert that I have a good reason to comply with the decisions made by the Confucian *Ren* statespersons, even if my own judgement disagrees with these decisions. Moreover, as these decisions are not based on any judgements about my own benefit, I am morally required to comply with these decisions not on the basis that the judgments of the Confucian *Ren* statespersons were somehow better than my own judgement in promoting my own benefit. Therefore, the political authority of the Confucian *Ren* statespersons need not be paternalistic in character, nor would it necessarily lack respect for my autonomy.

3.52 My Own Benefit

One might argue that even if it is assumed that 'my own judgement' is not relevant to the political authority of the Confucian *Ren* statespersons, this would not mean that 'my own benefit' does not matter. It is unclear that why the benefit of my fellow citizens, rather than my own benefit, is the ultimate source of political authority. Why should I care about the benefit of my fellow citizens, rather than merely focusing on my own benefit?

It is true that 'my own benefit' is mainly related to of my own skills, choices and hard work; however, 'my own benefit' is also heavily dependent on my fellow citizens. For firstly, the evaluation of my own skills is primarily dependent upon the preferences of my fellow citizens in a stable and organised market; in which every participant is restrained by political orders and a system of law. Unless there were a state to administer and enforce laws to regulate contracts and protect my property rights, my own skills and efforts would be of no benefit to myself. Also, were my fellow citizens to change their preferences, or to break the laws that regulate the market, my skills might be valued very differently, or have no value at all.

Secondly, the opportunities I develop my skills also depend upon the contributions of others. Without education, public security and other essential goods provided by my fellow citizens, I will not have the necessary support to develop my own skills. In today's modern societies, my skills and efforts can only be beneficial to me by way of social cooperation. Without positions and offices in various institutions produced and maintained by others, it would not be possible for me to take advantage of my own talents.

Thirdly, it is my fellow citizens who maintain and constitute the state through their fulfilment of their civic duties; such as paying tax, serving in the army, participating in various political activities and simply complying with laws and various regulations in our daily lives. Without the contributions that my fellow citizens have made to the basic collective goods in my state, I would not be in a position to function as a human being in a modern society, let alone accruing any benefit from my own talents and capabilities.

Therefore, it is legitimate to say that I actually benefit from the contributions of my fellow citizens, rather than from my own skills, efforts or other attributes. Therefore, my reciprocal obligation to benefiting others is not only a guarantee of my own benefit but is also a fair return for what my fellow citizens have done to benefit me.[72]

[72] The author is indebted here to Andrea Sangiovanni's lectures as well as to his many helpful supervisions. See Sangiovanni (2007). See also Barry (2004: 46-51), Nagel (1995: 113), Rawls (2001:76-77).

To sum up, in CMD, Confucian *Ren* statespersons are required by *Ren* to serve my benefit, but their political authority over me is justified not in terms of serving my benefit, but rather in serving the benefit of my fellow citizens.

As discussed in preceding chapters and will be further elaborated upon in Chapter 4, early Confucians believe that most citizens do not always care about their own self-interest alone; nor should they. The Confucian conception of political authority leaves open the possibility that citizens care more about the interests of their fellow citizens than their own self-interest. Such conception is founded not upon the promotion of narrow self-interest, but upon a reciprocal obligation to serve the interests of others: I have obligations to promote the interests of my fellow citizens as a fair return for what they have given me; just as my fellow citizens have obligations towards me, as a fair return for what I have given them.

3.6 Confucian Political Authority: Service and Reciprocity

This chapter has developed a Confucian conception of political authority. Such conception asserts that the legitimacy of political authority is founded upon 'service' and 'reciprocity', rather than upon the equal participation of all citizens in political decision-making. Therefore, it appears to be different from the democratic conception of political authority. However, from a theoretical point of view, the Confucian conception of political authority is not objectionable, as it enjoys a certain degree of 'general acceptability.' Moreover, the Confucian conception of political authority is compatible with the practical aims of the democratic conception of political authority.

3.61 The General Acceptability of Confucian Political Authority

In theory, the Confucian conception of political authority which is based on 'reciprocity' and 'service' is generally acceptable to the reasonable points of view of the citizens (in the Estlund's sense). Specifically, as Estlund says, the general acceptability condition only applies to those citizens who are fulfilling their basic civic duties and contributing to the basic collective goods of the state (Estlund 2008: Chapter 3). However, it is difficult to imagine that citizens would be willing to fulfil their civic duties without being rooted in reciprocal relationships. Also, citizens often make reasonable political decisions and realise their political values when they are in reciprocal relationships (this will be further

explained in Chapter 4 and Chapter 5). Therefore, reciprocity is logically prior to general acceptability condition; as well as being prior in importance in a more value-laden sense. As discussed above, the Confucian conception of political authority is founded upon reciprocity and attaches great importance to the reciprocal obligations of the citizens to others as a fair return for what they have received and have benefited from. Therefore, Confucian political authority is in a position to facilitate reciprocal relationships among citizens and is thereby highly likely to be generally acceptable.

In addition, the Confucian conception of political authority is based on 'service,' which means that the political authority of the Confucian *Ren* statespersons in CMD is orientated towards serving the well-being of all citizens. Thus, CMD substantially resembles the 'welfare state' advocated by many modern democratic theorists (Pestoff 2009, Palier 2010, Hannesson 2015). [73] There are various definitions of the 'welfare state' in modern political theory; most of these emphasise the government's provision of welfare services. For example, David Miller defines the welfare state as a concept of government which 'serves the direct link between what someone earns, or otherwise receives through market mechanisms, and his access to goods and services' (Miller 2003: 95). CMD and the democratic welfare states all aim at serving the well-being of the citizens. The democratic welfare states are more focused on distributing the well-being widely than generating it (Hannesson 2015: 99). However, as will be discussed in the following chapters, for early Confucians, the latter is just as important as the former. Also, most scholars agree that the welfare state is based on reciprocity, for example, Steffen Mau argues that welfare state is a political system of 'organized and generalised reciprocity' (Mau 2004: 53-74). Andrea Sangiovanni also points out (and it is worth again quoting at length):

> One of the main motivational sources supporting the welfare state is reciprocity rather than rational egoism, unconditional altruism, or, for that matter, the notion that we have a non-relational duty to compensate the unlucky…The basic idea is simple: individuals are more willing to grant their 'contingent consent' to policies and institutions in which burdens and benefits are perceived to be widely and fairly shared—as in 'universalist' welfare

[73] The modern welfare state was invented by the United Kingdom before the First World War (Emigh et al. 2016: 49).The past few decades have witnessed the rise of the welfare state in prosperous, democratic countries, especially in Northern Europe (Hannesson 2015: 88-92). After the economic crisis, many democratic theorists have been discussing the possible reform of the modern welfare state; However, very few of them deny the desirability of the welfare state in modern democratic countries (Palier 2010).

> states like Sweden—and less willing when public services are (perceived to be) inconsequential or inefficient and when free-riding and parasitism are (perceived to be) rife. (Sangiovanni 2007: 33)

Some scholars highlight the importance of reciprocity in the welfare state from an economic point of view (Lindbeck, Nyberg, and Weibull 1999, Fehr, Fischbacher, and Gächter 2002). Bowles and Gintis contend that 'voters support the welfare state because it conforms to deeply held norms of reciprocity and conditional obligations to others' (Bowles and Gintis 2000: 33). Therefore, it seems, at least in theory, the Confucian political authority enjoys a certain degree of 'general acceptability', i.e., it is generally acceptable to reasonable points of view of the citizens.

3.62 The Practical Aim of Confucian Political Authority

In practice, Confucian political authority and democratic political authority both aim at establishing a responsive and harmonious state. In order to achieve such practical aim, early Confucians and many democratic theorists would all agree that the citizens have reciprocal obligations to make a positive contribution to certain structures that enable the state to serve the well-being of all citizens. However, early Confucians regard such contribution as a more fundamental consideration than the contribution made by citizens towards democratic procedures of political decision-making.[74] The reasons are as follows.

Firstly, early Confucians would think that the democratic procedures of political decision-making are effective and efficient in the opportunities they offer for removing a bad government or impeaching an incompetent politician. However, compared with some Confucian meritocratic institutional arrangements which focus on selecting good statespersons (see Chapter 6), democratic procedures have less potential for establishing a good government that always serves the well-being of all citizens.

Secondly, the justification of political rights to participate in democratic procedures of political decision-making is often based on individualism or individual autonomy which

[74] Similar ideas can be found in communitarianism. For example, communitarian political philosophers, such as Alasdair MacIntyre, Michael Walzer, Michael Sandel and Charles Taylor, have provided various justifications of the attractiveness of the Aristotelian ideal of a reciprocity-based community. This is a community where each member values their own social roles and attach substantial importance to the interests of the community (Sandel 1981, Walzer 1983, MacIntyre 1984, Taylor 1989).

does not prioritise the reciprocal relationship between the citizens (Political rights will be discussed in detail in Chapter 4). However, the reciprocal relationship is vital to democracy, as the egalitarian procedure-based democratic political authority is constrained 'by a requirement of mutual concern without which our egalitarian relationships lack their distinctive value.' (Viehoff 2014: 340) (Chapter 5 of this thesis will discuss this theme in more detail).

Joseph Chan contends that 'Confucian ideal political relationship is marked by mutual commitment and trust—the rulers are committed to governing the people in a trustworthy and caring manner, and the ruled, in return, express their willing endorsement and support of their rulers.' He further points out that 'democracy can also be understood as a political system that precisely expresses such an ideal political relationship' (Chan 2014: 85). Here, Chan may need to further explain whether or not this 'ideal political relationship' plays different roles in classical Confucianism and democracy. As discussed above, the reciprocal relationship is embodied in the requirements of *Ren* and is thereby an intrinsic value of Confucian political authority. Democratic institutional arrangements also promote this reciprocal relationship. However, this relationship, as Sungmoon Kim points out, is 'one of the democracy's positive by-products, which makes democracy even more attractive, but it is not democracy's intrinsic value' (Kim 2017: 243).

Thirdly, compared with the participation of all citizens in the democratic procedures of political decision-making, the concern with 'service' and 'reciprocity' is more fundamental to the legitimacy of political authority. This is because any procedures of political decision-making, no matter democratic or meritocratic such procedures may be, cannot even exist without a responsive and harmonious state; a responsive and harmonious state cannot exist without an ethos of 'serving the well-being of the citizens' as well as reciprocal relationships between the citizens.

The Confucian conception of political authority, which attaches more importance to 'service' and 'reciprocity' than to the participation of all citizens in the political decision-making process, prioritises mutual contributions to the provision of the sufficient means for the flourishing lives of all citizens.[75] Moreover, the concern with 'service' and

[75] There are some questions about the Confucian conception of political authority which are potentially relevant to the purposes of this thesis. For example, one might ask how it is possible to define such 'mutual contributions.' One might also ask about how the state might respond to those who refuse to contribute,

'reciprocity' facilitates mutual commitments between the Confucian *Ren* statespersons and their fellow citizens as well as the mutual trust between citizens; such concern thus helps all citizens to make reasonable political decisions. Therefore, compared with the democratic conception of political authority, the Confucian conception of political authority can better contribute to the achievement of the practical aim of the democratic conception of political authority, i.e., establishing a responsive and harmonious state.

despite being capable of doing so. One possible answer is that for person A to be a citizen of CDM necessarily entails adequate fulfilment of A's basic civic duties; viewed in this light, the contributions A is making can be considered as being contributions to the maintenance of the state. A's contributions, in turn, provide other citizens with the necessary means to promote the benefit of A as well. On the connection between welfare and reciprocity, see Stuart (1997: 312-326).

4. Political Rights

One might argue that the Confucian political authority discussed in Chapter 3 appears to prioritise collective goods only. If this were so, then such kind of political authority may fail to adequately protect the self-interest of individuals. Moreover, if the political authority of the Confucian *Ren* statespersons in CMD only emphasises the reciprocal obligations of the citizens, which in turn necessitates compliance with the political decisions made by Confucian *Ren* statespersons, the political rights of all citizens to participate in the political decision-making process seem to be severely hindered and debilitated. Therefore, one might argue that CMD is objectionable as it only emphasises the political obligations of individuals while ignoring their political rights, which are no less important.

This chapter intends to respond to this objection by developing a Confucian conception of political rights. This chapter will argue that there are theoretical and practical problems with some individualistic presumptions in the normative democratic principle of political rights. In order to avoid these problems, the Confucian conception of political rights is founded upon early Confucian views of self-interest and human nature. According to such conception, CMD only endorses the political rights of all citizens to participate in 'strictly local' matters. This chapter will show that the Confucian conception of political rights is compatible with the practical aim of the democratic conception of political rights, which is to protect the interests of the citizens from being infringed by those with political power. Moreover, the Confucian political rights help citizens to make reasonable political decisions and thus is capable of contributing towards resolving some problems in modern democratic societies that come about as the natural downsides of individualism.

4.1 Political Rights and Classical Confucianism

Most schools of modern political philosophy agree that political rights, as a subclass of human rights, are intrinsically valuable in terms of ensuring the flourishing lives of the citizens in modern societies. In his *Democracy as a Universal Value*, Amartya Sen states:

> Political and civil rights give people the opportunity to draw attention forcefully to general needs and to demand appropriate public action. The response of a government to the acute suffering of its people often depends

> on the pressure that is put on it. The exercise of political rights (such as voting, criticising, protesting, and the like) can make a real difference to the political incentives that operate on a government…The positive role of political and civil rights applies to the prevention of economic and social disasters in general. (Sen 1999a: 7-8)

It is widely accepted that political rights play an important role in ensuring that the citizens can flourish and prosper; such rights represent key practical and evaluative criteria for the administration of a given state. Therefore, a Confucian form of government which attaches great importance to the flourishing lives of its citizens must, to some extent, include a discussion of political rights.

There is an ongoing debate about rights versus duties in Confucian political thought. Many Confucian scholars have discussed the possible compatibility between classical Confucianism and human rights (Ames 1988, Angle 2002, Bruun and Jacobsen 2004, Chan 1999, Chang 1995, Cheng 1997, De Bary 1998, De Bary and Tu 1997, Lee 1996, 1992, Li 2017, Roetz 1999, Tiwald 2011, Weatherley 2002). Even though most of these scholars do not directly tackle political rights, they often 'restrict the list of human rights only to the civil and political rights' (Li 2017: 39, Chan 2014: 21).

However, such discussions are often flawed, insofar as the arguments presented regarding the mutual compatibility or incompatibility of classical Confucianism and political rights are commonly founded upon problematic presumptions of political rights. This is not only because some Confucian scholars fail to make a clear distinction between human rights and political rights, but also because their comparisons of human rights discourse with Confucian political thought are often based on the misinterpretations of the liberal definition of human rights. For example, some Confucian scholars criticise the liberal definition of human rights for mistakenly assuming that there are 'culturally independent human beings' (Rosemont 1988, Ames 1988). However, these scholars themselves may make wrong assumptions about the liberal definition of human rights. The liberal definition of human rights assumes only that the differences in people's cultural, gender, ethnic and social background are irrelevant to the justifications of human rights, rather than that human beings can be considered as culturally or socially independent individuals in the discussions of their interests or human rights (Chan 2014:115).

Some Confucian meritocrats confuse individualism with egoism when they argue against democratic political rights (Bai 2009, Rosemont 2015, Bell 2016). Moreover, in their efforts to construct a modern interpretation of classical Confucianism that is either incompatible or compatible with political rights, some scholars may misinterpret or over-interpret some ideas drawn from the political thought of early Confucians. For example, some Confucian scholars confuse *Li* 利 (interests) and *Yi* 義 (righteousness) in Confucian classics with *quanli* 權利 (rights), in order to prove that Confucian political thought is compatible with political rights (Li 2015:77-84).

On the one hand, it is extremely difficult to give a clear, comprehensive and uncontroversial definition of political rights; there is no agreed list of political rights in political philosophy. On the other hand, in most Confucian classics, early Confucians rarely mention individual rights; there is no consensus among early Confucians regarding the issue of self-interest and human nature. Thus, both the 'compatibility perspective' and 'incompatibility perspective' of the relationship between classical Confucianism and political rights may have certain limitations. On account of these limitations, this thesis will adopt a more fruitful strategy: instead of merely focusing on the compatibility between political rights and classical Confucianism, this chapter attempts to develop a Confucian conception of political rights based on a critical analysis of some key presumptions regarding democratic political rights and early Confucian view of human nature. Such conception is critically derived from classical Confucianism, while still remaining broadly compatible with the practical aim of the democratic conception of political rights.

For most democratic theorists, the term 'political rights' refers to a class of rights, relating to some forms of equal political participation: all the citizens of a state participate on equal terms in a political decision-making process free of both discrimination and repression alike. It has been argued that political rights include but should not be limited to democratic political rights. However, for the purpose of this thesis, this chapter mainly focuses on democratic political rights, and the term 'democratic political rights' in this thesis will be confined to voting rights; i.e., the right to directly participate in making the political decisions that will deeply influence the whole state. Such political decisions include determining the laws and state policies in a referendum, or choosing the head of the state in a general election.

From a liberal democratic point of view, there are other rights can be included under the term 'political rights,' besides the voting rights; these rights include the right to assemble, the right to form a political party, and the right to political speech. However, for the purpose of this thesis, these rights are classified as civil rights. This chapter is not a conceptual analysis of political rights, nor does it intend to evaluate the merits of these civil rights. It only focuses on the democratic voting rights. This is because voting rights not only pertain to the core feature of modern democracy but also are distinct from Confucian political rights in CMD. This chapter will argue that the democratic political rights or voting rights are indeed valuable to a degree. However, this chapter will further argue that with regard to the imperative of helping citizens to make reasonable political decisions, it is reasonable to claim that the democratic political rights of the citizens are less valuable than their Confucian political rights. Here, it is necessary to clarify two points about such claim.

Firstly, the claim that the democratic political rights of the citizens are less valuable than their Confucian political rights should not be confused with the claim that the citizens value their Confucian political rights much more than their democratic political rights. It is common that citizens may value something which is not valuable to them. For example, in modern societies, many believe that love is less valuable to them than money and power, but very few would thus not value love. This chapter is only concerned with the question whether certain political rights of the citizens are valuable to them, rather than with the question whether the citizens actually value certain political rights. The latter question needs to be answered by empirical studies about psychological choices of the citizens, which is not the main concern of the philosophical arguments in this thesis.

Secondly, the claim that the citizens' democratic political rights are less valuable to them than their Confucian political rights should not be confused with the claim that the citizens are entitled to democratic political rights less than Confucian political rights. The latter claim may not be true, even if the former is justified. There is no straightforward relationship between these two claims. Jason Brennen points out that 'whether someone is entitled to something is not decided by whether it is valuable to her. For instance, it would be disrespectful for someone to steal the unwanted junk out of my basement, even if that person knows I do not want the junk' (Brennen 2012: 2). This thesis intends to argue that Confucian political rights are more valuable than democratic political rights in

terms of helping citizens to lead flourishing lives, putting aside the questions of whether or not citizens are entitled to the democratic political rights.

In order to achieve the above objective, this chapter will start with clarifying some early Confucian views of self-interest and human nature. There will also be a discussion of some commonly encountered individualistic presumptions with regard to the normative democratic principle of political rights, most of which are often deployed but not adequately clarified in the demonstration of the compatibility and incompatibility between classical Confucianism and political rights.

4.2 Early Confucian Views on Self-interest and Human Nature

It is commonly argued that political rights aim at protecting the moral, political and material interests of individuals from infringement on the part of those with political power. It seems, *prima facie* that classical Confucianism is incompatible with this aim. For example, as discussed in Chapter 2, Confucius requires people to 'exercise self-discipline and return to *Li 禮*' (*ke ji fu li* 克己復禮). Zhu Xi 朱熹, the most influential Neo-Confucian in the Song dynasty, further explains the requirement of '*ke ji fu li* 克己復禮' as overcoming one's private desires for pursuing self-interest and to act only according to the common good (Zhu [1190] 2010: 131-132).[76] Moreover, in their arguments about *Yi* 義（Righteousness /Obligations of Justice） vs *Li* 利 （Self-interest） (*yi li zhi bian* 義利之辨), early Confucians often advocate the priority of the public or national interest over the self-interest of individuals, especially when there is a conflict of interests in public affairs.

Therefore, some may claim that classical Confucianism is incompatible with political rights, as it ignores the self-interest of the citizens and only emphasises the positive obligations of the citizens to accept the political authority of the Confucian *Ren* statespersons, in the name of helping all citizens to lead flourishing lives. However, this claim is problematic as it is based on some oversimplified or mistaken interpretations of early Confucian views regarding self-interest and human nature.

[76] This topic will be discussed further in Chapter 5.

4.21 Li 利 (self-interest) vs. Yi 義(righteousness)

In the *Analects*, Confucius appears to prioritise 'righteousness (moral obligations of justice)' over 'self-interest,' as he famously states, '*Junzi* 君子 are concerned with righteousness, and *xiaoren* 小人 are concerned with self-interest' (*Analects* 4.16). Here, *Junzi* 君子 and *xiaoren* 小人 are often translated as 'the noble person' and 'the petty person' separately. This well-known statement of Confucius is often quoted as the evidence that Confucius shows contempt for the self-interest of individuals.

However, it is likely that Confucius's view of self-interest in this statement has been misunderstood. Liu Baonan 劉寶楠, a prominent Confucian scholar of the Qing (清) dynasty, discusses Confucius's view of self-interest in his book *Interpretation of the Analects* (*Lunyu Zhengyi* 論語正義). He points out that 'this sentence (*Analects* 4.16) is especially for government officials.' Liu contends that if one considers Confucius's original intention carefully, *Junzi* 君子 in this sentence, should be understood as statespersons who govern the state, and *Xiaoren* 小人 should be understood as a commoner whose occupation is non-political in character (Liu [1865]1990: 154). Therefore, as discussed in Chapter 2, it is better to translate *Junzi* as 'Confucian *Ren* statesperson,' rather than 'the noble person.' In the *Analects* 4.16, Confucius only shows contempt for the self-interest of government officials, rather than that of the common citizens.

Another sentence in the Confucian classics that is often quoted to prove that early Confucians denounce the pursuit of one's own self-interest is at the beginning of *Mencius*:

> Mencius said, 'Why must you Majesty (King Hui of Liang) speak of self-interest? I only offer counsels about *Ren* and righteousness.' (*Mencius* 1A1)

However, it must be noted that in this context, once more, Mencius's interlocutor is a ruler, rather than common citizens. So, for Mencius, it is not common citizens, but their rulers that should be concerned purely with *Ren* and with righteousness, rather than with the promotion of their own self-interest.

Indeed, early Confucians believe the self-interest of common citizens should be promoted, as Confucius says, 'The ruler should make the self-interest of the citizens more beneficial to the citizens' (*Analects* 20.2). Confucius claims that self-interest, such as 'wealth and eminence are what citizens desire,' and 'if one could get rich just by trying, then although it meant being a herald with a whip in hand, I would go along with that' (*Analects* 4.5, 7.11). However, Confucius also makes it clear that citizens should pursue their self-interest in a reasonable way (*Analects* 7.11). Mencius and Xunzi also endorse the citizens making a reasonable pursuit of their own self-interest (*Mencius* 5A1, 6A17, *Xunzi* 8.14, 23.8).

Therefore, what early Confucians oppose is the tendency for rulers to only care about their self-interest, rather than the self-interest of the common citizens. In early Confucian discussions of self-interest, citizens are certainly permitted to promote their self-interest, but they should only do so in a reasonable way (Chen 2012: 193-197).[77]

4.22 Is Human Nature Good or Evil?

The claim that classical Confucianism is incompatible with political rights is not only founded upon a problematic reading of early Confucian views of the self-interest of the citizens, but also based on some problematic understanding of Confucian views of human nature.

In classical Confucianism, there is a well-known debate about human nature between Mencius and Xunzi. Both of these two influential early Confucians are viewed by many Confucian scholars as holding distinct and incompatible views of human nature.

Mencius has a belief in the innate goodness of every human being.[78] He contends that 'human nature is always good, just as water always flows downwards. There is no human

[77] The meaning of 'reasonable' will be discussed in the following sections.

[78] Mencius's ideas about innate goodness have criticised by some Confucians in the Han dynasty(206BCE-220CE). For example, Dong Zhongshu 董仲舒(179-109BCE) claims that goodness can only be the results of cultivation, rather than something with which human beings are born (Dong Zhongshu 董仲舒 *Chun Qiu Fan Lu* 春秋繁露 *Luxuriant Dew of the Spring and Autumn Annals:* 36.1). In the Song dynasty (960-1279CE), many Confucian scholars of Neo-Confucianism also disagree with Mencius on his assumption about human nature, especially in Feng Xiu's 馮休 *Shan Meng* 删孟 *Removing Mencius*, Si Maguang's 司馬光 *Yi Meng* 疑孟 *Questioning Mencius*, Li Gou 李覯 *Fei Meng* 非孟 *A Critique of Mencius, Huang Yuezhi* 晁說之 *Chi Meng* 诋孟 *Challenging Mencius*. For more discussions about Neo-Confucianism's

being lacking in the tendency to do good, just as there is no water lacking in the tendency to flow downward' (*Mencius* 6A2). In order to prove this belief, Mencius gives the well-known example of a child falling into a well. All human beings, without exception, immediately feel a sense of alarm and compassion, when seeing a child who has fallen into a well, even if we have no personal relationship with the child (*Mencius* 2A6). Any person, no matter who he or she is, would be motivated by compassion to save the child; a compassion independent of any narrow personal interests. Such compassion originates from an innate sensitivity to the suffering of other human beings, and this is a moral capacity with which every human being is born. [79]

Xunzi disagrees with Mencius, 'Mencius claims human nature is good. This is of course not so…Human nature is evil' (*Xunzi* 23.11).[80] Xunzi argues that human beings are born self-interested and concerned first and foremost with satisfying their own desires:

> Xunzi said, 'Human nature is evil; any good in human beings is acquired by perceived exertion. The nature of man is such that he is born with a love of self-interest. Following this nature will cause its aggressiveness and greedy tendencies to grow, while courtesy and deference to disappear.' *(Xunzi* 23.1)[81]

Therefore, many Confucian scholars claim that Mencius and Xunzi have opposite views of human nature; i.e., for Mencius, human nature is good, but for Xunzi, human nature is evil. However, this widely accepted claim is problematic for two reasons.

Firstly, to simply claim that Mencius believes that human nature is good or Xunzi holds the view that human nature is evil, is a superficial generalisation of the complex and comprehensive thought of Mencius and Xunzi.

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view of Mencius, see Zhou (2007).

[79]The modern primatologist Frans de Waal points out that some empirical evidence suggests that human beings have had seeds of compassion for others since the very beginning of the species (De Waal 2010).

[80] 'Human nature is evil 性恶' appears twenty times in *Xunzi;* all twenty appearances are in Chapter 23. Since Chapter 23 seems peculiar and does not resonate with other Chapters in *Xunzi*. Some scholars argue that Chapter 23 was not written by Xunzi and was added to the books by someone in the Han dynasty (Lin 2012).

[81] Many Confucian scholars have criticised Xunzi's views on human nature. For example, Cheng Yi 程頤 (1033-1107), a prominent philosopher of Neo-Confucianism in the Song dynasty, points out that 'Xunzi is too extreme, he is fundamentally wrong just because of his ideas on how human nature is evil' (*He nan cheng shi yi shu 河南程氏遺書 Posthumous Writings of Cheng Brothers*: Chapter 9), see Cheng (1981).

Mencius himself appears unsure whether human beings, by nature, are good. This is because Mencius also says, 'Human beings are in their essence capable of becoming good. That is what I mean by saying human nature is good. That someone should become evil is not a question of his essence' (*Mencius*: 11.6). Here, Mencius interprets the notion 'human nature is good' in terms of the more precise notion 'capable of becoming good,' it thus appears that Mencius may not be certain about how far goodness is necessary and intrinsic to human nature.

A careful reading of the relevant paragraphs shows that Xunzi not only claims that human nature is evil but also explains that human nature is something unadorned or raw (樸 pu). Xunzi says, 'Human nature is the basis and beginning, the raw and unadorned material. Conscious activity is the form and principle of order and development' (*Xunzi* 19.22). Xunzi also claims that 'any man in the street can become Yu (an ancient Confucian *Ren* statesperson).' This is because everyone 'is capable of knowing (morality), and has the ability to practice' (*Xunzi* 23.18).

Some scholars argue that Xunzi may not believe that human nature is evil. For example, Liang Qichao 梁啟超 points out that according to Xunzi's definition of 'human nature,' Xunzi intends to explain human nature as raw material (Liang 1999: 4971). Hou Wailu 侯外廬 argues that Xunzi does not assume human nature is evil, but merely assumes that human nature is not good, or that it is impossible to know whether human nature is good or not (Hou 1950: 573). Some contemporary Confucian scholars contend that from the perspective of Xunzi, human nature is neither good nor evil, but is unadorned (*xing pu* 性樸) (Lin 2012, Zhou 2016).

Because of some complicated, ambiguous and contradictory paragraphs in the Confucian classics, any interpretation of early Confucian view of human nature will always prove debatable. However, it is valid to contend that Mencius and Xunzi do not appear to take an unambiguous stance on the question of whether human nature is good or evil.

Secondly, even if one were to set aside the controversial interpretations above and assume that human nature is good in Mencius's view and is evil in Xunzi's view, one might eventually find that these two early Confucian views of human nature are different, but

not intrinsically irreconcilable; at least when one endeavours to take seriously the underlying intentions implicit in the arguments of Mencius and Xunzi.

The purpose of Mencius is perhaps not so much to prove that human beings are born with certain kinds of goodness, and thus that human nature is good, but rather, to highlight the importance of the extension and comprehensive development of the innate intellectual and moral capacities of human beings. For Mencius, all human beings have 'four innate capacities (s*i de* 四端).' These innate capacities are related to but different from the 'four virtues (*si de* 四德)' of human beings: benevolence, righteousness, decorum and wisdom (Fu 2003: 637, Luo 1958: 378).

> Mencius said, 'The sense of compassion is the innate capacity for benevolence; the sense of shame is the innate capacity for righteousness; the sense of modesty is the innate moral capacity for decorum; the sense of right and wrong is the innate moral capacity for wisdom. Human beings possess these four innate moral capacities just like they possess four limbs… When we know how to extend and fully develop these four innate moral capacities, it will be like the starting of a fire or the gushing out of a spring. If one fully develops all these four innate moral capacities, it would be sufficient to protect the state; if not, one would not even be able to serve his parents. (*Mencius* 2A6)

Mencius intends to argue that if human beings extend and develop their four innate capacities fully, they can realise their 'four virtues,' this would be a sufficient again, in order for them to benefit the whole world.[82]

Xunzi's main argument is that if human beings, by nature, are good, then there is no need to 'elucidate proprieties to transform human beings, establish laws and regulations to

[82] Generations of Confucian scholars have elaborated on the relationship between 'four innate capacities' and 'four virtues.' Zhao qi 趙岐 (108-201) in *Meng zi zhu* 孟子注 *Commentary on Mencius* claims that 'the four innate capacities' are inside the human body, and can thus manifest themselves as the 'four virtues.' Sun shi 孫奭 (962—1033) in *Shu 疏 Commentary on Confucian Classics* argues that the 'four innate capacities' are the starting point of the 'four virtues.' Thus, if people can further develop the 'four innate capacities', then they can also attain to the 'four virtues.' Zhu xi 朱熹 (1130-1200) in *Meng zi ji zhu 孟子集注 collection of commentary on Mencius* contends that the 'four innate capacities' are functional (*yong* 用), and the 'four virtues' are substantive (*ti* 體).

bring human beings to order, attach importance to legal punishments to set human beings straight, and make sure the social order is secured and consistent with goodness.' *(Xunzi* 23.12) Therefore, the purpose of Xunzi's assumption of human nature might not be to prove that human nature is evil, but merely to highlight the importance of the 'conscious activities' which he further explains as the activities of developing human nature through education, moral training and civilising influence of rituals (*Li* 禮).

> Human nature is the basis and beginning, the raw and unadorned material. Conscious activity is the form and principle of order, the process of development and completion. If there were no human nature, there would be nothing for conscious activity to work upon or develop, and if there were no conscious activity, then human nature would have no way to improve itself. Only when human nature and conscious activity combine does a true sage emerge and perform the task of uniting the world…When human nature and conscious activity are joined, the whole world is benefited. (*Xunzi 19.22*)

Mencius and Xunzi may have different views of human nature, but they both intend to highlight the importance of the process of refining human nature. In other words, they both believe that every human being has innate capacities; whether these capacities be of positive, negative or neutral moral character, it is both possible and necessary to correctly develop such capacities, through education or moral self-cultivation, in order to meet the requirements of *Ren* and benefit the whole world. This is also reflected in CMB2: Every citizen has equal innate capacities; these capacities can and ought to be cultivated, in order that one might know and practise the political truths of *Ren*.

Generally speaking, according to early Confucian views on self-interest and human nature, every citizen should reasonably pursue their self-interest and every citizen, by nature, can be reasonable. More importantly, what early Confucians emphasise is that every citizen ought to be cultivated in order to be reasonable or to meet the requirements of *Ren*, i.e., they must be altruistic enough to sacrifice their self-interest for the well-being of their fellow citizens.

Moreover, for most early Confucians, the main reason human beings are 'the noblest beings in the world' is that they have innate capacities rather than because of their

possession of any innate dignity or rights (*Xunzi* 9.16, *Mencius* 7B 14).[83] This is resonant with some contemporary philosophical theories of human rights, i.e. the theories of basic human capabilities advocated differently by some political philosophers (Griffin 2008, Nussbaum 1997, 2000, Sen 2004, 2005, 2009). Most these philosophers would agree what Bernard Williams claims:

> The notion of a basic human right seems to me obscure enough, and I would rather come at it from the perspective of basic human capabilities. I would prefer capabilities to do the work, and if we are going to have a language or rhetoric of rights, to have it delivered from them, rather than the other way around. (Williams 1987:100)

To sum up, early Confucian views of self-interest and human nature are indeed compatible with the practical aim of political rights, which is to protect the self-interest of the citizens from being infringed by those with political power. However, early Confucians believe that human beings by nature are capable of being reasonable (Mencius) or every human being has innate capacities which can and ought to be cultivated so that every human being will be reasonable (Mencius and Xunzi). Therefore, early Confucians would not agree with some of the individualistic presumptions to which most assertions of democratic political rights are beholden.

4.3 Individualism and Modern Democracy

It is uncontroversial that individualism, as a liberal doctrine, plays an important role in the justification of democratic political rights. This is because that the democratic political rights centre freedom and individual autonomy as key concerns. Furthermore, the normative democratic principle of political rights is premised upon the view that individuals are the ultimate authority in judging their own interests, rather than collectives, such as states, political institutions or social organisations.

Less well understood is the justification and meaning of some individualistic presumptions which play a crucial role in the justification and formulation of democratic political rights. One of the most common individualistic presumptions in the normative

[83] Chapter 5 will discuss this topic further.

democratic principle of political rights is an individualistic view of human nature: human beings, by nature, are only capable of being self-interested. However, upon closer examination, this assumption does not appear universally valid or self-evident *a priori*. If one takes a close look at this presumption, one may find it is neither absolute nor a priori.

However, some Confucian scholars often confuse 'being self-interested' with 'being selfish.' Thus, they are critical of such individualistic presumption and choose to defend Confucian views of human nature instead (Rosemont 2015). Therefore, it is necessary to make a distinction between 'egoism' and 'individualism.' Egoism means to pursue selfish interests, but individualism is about protecting self-interest; in this context, the latter term can be taken to refer merely to the minimal interests that are concerned with the most basic needs of human beings. For example, human beings have self-interest in not being harmed, and such a kind of interest is surely not selfish. When one protects oneself from being tortured, one is certainly not acting egoistically.

It has been argued that an individualistic understanding of human nature would postulate not so much that human beings are selfish by nature, but rather that human beings are self-interested by nature. Or more precisely, human beings by nature are not altruistic enough to sacrifice their self-interest for the well-being of others. Often, such an individualistic view of human nature is verified by nothing more than a vague, imaginary and ahistorical explanation of human nature; or else a biological or behavioural prediction of the natural tendencies of human beings that is scientifically controversial. In other words, what is unclear scientifically and historically is not the importance of the self-interest of human beings, but the claim that human beings are only inclined towards pursuing their self-interest.

Those who are generally sympathetic to early Confucian views of human nature may not accept the view that human beings are self-interested by nature. Even if this view were actually true, it would not follow from this that human beings are only capable of being self-interested, or that human beings ought to be self-interested. Of course, some may maintain a realistic view of normative theories and argue that human beings can only be exactly as they in fact already are (intrinsically or naturally); or, as Rousseau says,

‘“Propose what can be done,” they never stop repeating to me. It is as if I were told, “Propose doing what is done”’ (Rousseau 1979: 34).[84]

However, a common error with regard to individualistic ideas is an illegitimate move from what human beings are to what human beings can be or ought to be. For, as Machiavelli says, ‘How one lives is so far distant from how one ought to live.’ Very few would believe that people ought to be what we are already (Machiavelli 2008: Chapter XV). For example, human beings are born ignorant of many things, but it is rarely argued that ignorance is the only possibility for human beings, or that human beings ought to remain ignorant.

Admittedly, it is usually more controversial and complicated to defend ‘can be’ or ‘ought to be’ assumptions than ‘is’ ones. However, a view of human nature may not have any normative function if it only concerns certain attribute of human beings that cannot be either changed or replaced. For instance, it is meaningless to develop a view of human nature based on the assumption that human beings by nature need to eat; this is because it is impossible for any human being to avoid eating. By contrast, it is commonly believed that human beings can be altruistic; this is an attribute which is not purely fixed and static. It is an innate moral capacity that one can develop over time.

Certainly, if one wishes to encourage human beings to follow a certain norm, a certain ‘can be’ or ‘ought to be,’ it is of great significance to study the natural tendencies of human beings.[85] However, to ask ‘what are the natural tendencies of human beings’ is to ask a psychological or biological question which is lacking normative functions, and empirical studies or scientific experiments are supposed to be more reliable in providing an answer to such question than philosophical thought experiments. Therefore, the question about the natural tendencies of human beings is not the main focus of the moral and philosophical arguments in this thesis. The key concern here is the question of what

[84] Rousseau might also hold an idealistic view of normative theory, as he says,’ taking men as they are, and laws as they might be’ (Rousseau 2012, para. 1). For some discussions about realistic versus idealistic or ‘Utopian’ views of normative theory, see Estlund (2014). John Rawls tries to combine both views by introducing his own ‘realistic utopianism,’ see Rawls (2000: 4).

[85] In this thesis, the concept ‘natural tendencies’ does not carry with it a sense of absolute and unqualified determinism and universality. It merely signifies whatever human beings are generally inclined to do, as abstracted from the particular cultural order they are socialised into/belong to.

human beings by nature can be or ought to be, not with the question of what human beings already are.

As discussed above, in early Confucian views of human nature, every human being has equal innate capacities, whether these capacities be of positive, negative or neutral moral characters; such capacities can be and ought to be cultivated, so that one can become a reasonable citizen who meets the requirements of *Ren*, i.e., one who is altruistic enough to sacrifice their self-interest for the well-being of others.

Therefore, according to early Confucian perspectives, what is problematic in the individualistic understanding of human nature is not the biological and descriptive presumption that human beings are not altruistic enough to sacrifice their self-interest for the well-being of others. The problem lies with the philosophical and normative presumption that human beings are not capable of being or ought not to be altruistic enough to sacrifice their self-interest for the well-being of others. Moreover, from the perspectives of some modern political theories, this presumption is also problematic in theory and in practice for the following reasons.

Theoretically speaking, this assumption, which is derived from the ideals of the Enlightenment and of the capitalistic market economy, risks degenerating into a kind of egoism that celebrates narrowly-defined self-interest above all else (Bell and Li 2013). This superficial and problematic understanding of 'self-interest' may undermine the reasons for promoting the interests of others or pursuing the common good, thereby resulting in a tyranny of individual self-interest, rather than merely a protection of personal self-interest. Jacques Maritain senses a tension between person and individual:

> In the social order, the modern city sacrifices the person to the individual; it gives universal suffrage, equal rights, liberty of opinion, to the individual, and delivers the person, isolated, naked, with no social framework to support and protect it, to all the devouring powers which threaten the soul's life, to the pitiless actions and reactions of conflicting interests and appetites, to the infinite demands of matter to manufacture and use. (Maritain 1950: 21)

In practice, this individualistic presumption about human nature is often associated with some socio-political problems in modern democratic societies. This is because the view

that human beings are not capable of altruistic self-sacrifice may facilitate 'patrimonialism' or 'repatrimonialism' which, as Francis Fukuyama contends, is resulted from a biologically rooted selfish impulse in every human being (Fukuyama 2011).[86] In his latest book 'Political Order and Political Decay,' Fukuyama argues that that 'repatrimonialism' is one of the main forces contributing to the decay of modern democratic states. Specifically, Fukuyama points out:

> The modern, impersonal state forces us to act in ways that are deeply in conflict with our own natures and is therefore constantly at risk of erosion and backsliding. Elites in any society will seek to use their superior access to the political system to further entrench themselves, their families, and their friends unless explicitly prevented from doing so by other organised forces in the political system. This is no less true in a developed liberal democracy than in other political orders, and one can make the argument that the process of repatrimonialization continues into the present. (Fukuyama 2014: 138)

Moreover, the exercise of democratic political rights in modern democracy may exacerbate rather than alleviate the conflicting self-interest of individuals; while also, disadvantaging those who prefer harmonious strategies for solving social conflicts (Brunell and Buchler 2009). This is a result of the system of 'one person, one vote' deteriorating into partisan politics, as citizens with different interests and values coalesce into different sharply opposed and mutually antagonistic groupings. The political parties in many modern democratic countries mainly strive to promote their own partial interests rather than seeking a consensus on the common good. Therefore, 'Negative Campaigning' is very common in most democratic elections; this is the strategy whereby politicians and political parties 'often taint electoral competitors with unsubstantiated and false allegations in order to saddle them with the disapprobation of the voters' (Wiredu 2001:228).

In the United States, partisan animosity has already become much more serious than two decades ago. According to Pew Research Centre Report in 2014, twenty-seven percent of the Democrats and thirty-six percent of the Republicans regard the other party as a threat

[86] Chapter 5 of this thesis will discuss Fukuyama's 'patrimonialism' further.

to the well-being of Americans.[87] Since the 2016 election, political opinions have been divided substantially in the USA. Many Americans tend to support relatively extreme political positions and are only prepared to live with or even talk with those who share the same political beliefs (Dan and Kirk 2017).

4.4 Reasonable Citizens

Many political philosophers have tried to solve the above theoretical and practical problems with the individualistic presumptions in the normative democratic principle of political rights. For example, Rawls' solution is based on his consideration about 'reasonable citizens' and 'public reason' as well as the 'criterion of reciprocity.' For Rawls, without its reasonable citizens' reflective control, a democratic state is not just (Daniels 2000: 129). Therefore, Rawls pins his hopes on making a majority of citizens reasonable. He states:

> Citizens are reasonable when, viewing one another as free and equal in a system of social cooperation over generations, they are prepared to offer one another fair terms of social cooperation (defined by principles and ideals) and they agree to act on those terms, even at the cost of their own interests in particular situations, provided that others also accept those terms. For these terms to be fair terms, citizens offering them must reasonably think that those citizens to whom such terms are offered might also reasonably accept them. (Rawls 1996: xliv)

In Rawls's view, if most citizens in a democratic state vote purely based on their own 'comprehensive doctrine' (a system of philosophical, moral and religious beliefs about good life), and reach an agreement simply based on their own self-interest in adhering to the treaty, rather than on the principle of justice, then only a 'modus vivendi' is achieved. This means such a democratic state is stable, but not just, and the stability of the state in question is thus unreasonable (Rawls 2000: 149-151). Many democratic theorists further develop this well-known Rawlsian view of reasonable citizens, and most of them agree that 'citizens can and should seek public-spirited perspectives on public issues and

[87] Pew Research Center. 2014. Political Polarization in the American Public: How Increasing Ideological Uniformity and Partisan Antipathy Affect Politics, Compromise, and Everyday Life.' http://www.people-press.org /2014/06/12/political-polarization-in-the-american-public accessed on July 25, 2016.

promote mutually respectful decision-making rather than flattening the political landscape into a low contest among interests and preferences' (Bell 2016: 58, Gutmann and Thompson 2009).

4.41 Political Participation

There is a difficult problem here. How is it possible to make citizens reasonable, so that they will vote for the common good, rather than for their self-interest? One possible solution that is supported by many political philosophers is political participation. For example, John Stuart Mill suggests providing more opportunities for citizens to stand up for their rights, and to be exposed to other perspectives; in order to refine their views and to encourage them to seriously consider the interests of other citizens. All this has the potential to improve the moral and intellectual development of the citizens (Mill [1861] 2010: Chapter 3). Similarly, Rawls claims that citizens should be assured of obtaining 'availability of public information on matters of policy,' and other necessary means to 'take intelligent and effective advantage of their basic freedoms' to participate in politics (Rawls 1996, lviii-lix).[88]

Benjamin Barber proposes a series of institutional arrangements, such as 'Neighbourhood Assemblies,' 'Television Town Meetings and a Civic Communications Cooperative,' 'Civic Education and Equal Access to Information: A Civic Education Postal Act and a Civic Videotext Service' and other 'supplementary institutions,' for the purpose of offering forms 'for ongoing political talks,' thus providing reliable information and instilling 'civic competence' (Barber 2004: 267-281).

Some deliberative democrats, such as James Fishkin and Bruce Ackerman argue that there should be a state holiday: 'the Deliberation Day.' On this day, voters would discuss and debate about important political issues, and each voter would be paid a certain amount of money for 'the day's work of citizenship' (Ackerman and Fishkin 2004a: 34).

The next question is whether these institutional arrangements for providing citizens with more opportunities for political participation or political talk would be sufficiently

[88] The democracy that Rawls is concerned with is 'deliberative democracy,' which is a 'well-ordered constitutional democracy' with various arrangements to make it easier for the citizens to be reasonable (Rawls 2000: 138).

efficient and effective in terms of its stated intention of making most citizens reasonable. Jane Mansbridge points out that political participation may result in antagonism and distrust if citizens are unreasonable and stubborn when discussing political issues (Mansbridge 1983, Parkinson & Mansbridge 2012). Diana Mutz contends that if a political talk is not conducted in the spirit of civility, it may lead to resentment, partisan animosity and polarisation of positions among participants holding different political beliefs (Mutz 2006: 62). Thus, the above institutional arrangements may not necessarily make participants reasonable. Rather, it is premised on the assumption that they are already substantially reasonable, to begin with.

Many empirical studies also show that in long-established democratic countries, the more actively the voters participate in politics; the more frustrated, disillusioned and cynical the voters may be (Brennan 2011, Caplan 2007, Mansbridge 1983, Mutz 2006). Therefore, the political participation in democratic countries may not help citizens become reasonable, but may actually make them stubborn, and thus intolerant of views that are different from theirs.

Some may argue that even if the above institutional arrangements may not help citizens become reasonable, they are still effective and valuable; insofar as they provide citizens with useful political information. However, it is highly likely that in modern societies, many citizens who are busy with their own work may lack the motivation to get high-quality political information, as this kind of information is usually costly and time-consuming to acquire (this will be further explained in the rest of this chapter). In addition, even if they have access to political information, they may still lack the capacity to analyse the information efficiently and effectively.

4.42 Educative Programs

Some other proposals for making the citizens reasonable are concerned with education, rather than with the kinds of problems just discussed above. As will become clear in Chapter 6, the education that many modern political philosophers propose is often a kind of liberal civic education which differs substantially from the Confucian civic education.

In order to achieve the requirement of ‘being reasonable’ which he calls ‘civil friendship,’ Rawls argues that three things are necessary for social education: good leadership on the

part of political institutions, habituation by means of a liberal democratic environment, and good examples from statespersons (Rawls 1999: 15, 27, 44-45, 97-103, 112-113, 157). Rawls himself also realises that it is almost impossible for most citizens to be reasonable in real political practices, as he says, 'In a liberal society, where each citizen has one vote, citizens' interests tend to shrink and center on their private economic concerns to the detriment of the bonds of community' (Rawls 2000: 73).

Jamie Kelly also advocates some educative programs, such as public education, which may help voters become reasonable. However, he argues that cognitive biases lead citizens to propose substantively different solutions relating to similar political problems. Kelly further points out that there is no sufficient evidence that public education can eliminate most cognitive biases. Also, most educative programs require a huge amount of money and 'some deference to expertise' (Kelly 2012: 121). Therefore, only a limited number of citizens can participate in these programmes and actually be informed about various complicated political problems as well as about the political decisions that are going to solve these problems. Moreover, through public education, a citizen might understand political issues generally but not know enough to evaluate political decisions about these issues since there is an abundance of political issues, most of which are too complicated for the layperson.

Some educative programs designed to remedy the effects of cognitive biases may not be financially expensive. However, it may be difficult to implement these programs widely in a democratic society with anti-elitist culture (Rogers and Norton 2012). Moreover, some empirical studies show that some biases related to religious beliefs or political beliefs are genetically rooted. The elimination of these biologically rooted biases requires enormous psychological efforts. And most citizens in modern societies may not have time and skills to do so.[89]

4.43 A Large State

Another reason why it is extremely difficult for most citizens in modern democratic states to make reasonable political decisions is that the size of the modern state is often too large.

[89] Thomas B. Edsall, "How Much Do Our Genes Influence Our Political Beliefs?" New York Times, 8 July 2014.

Firstly, as discussed above, a large, democratic state often creates great opportunities for seeking one's fortune; this tends to corrupt the virtue and public spirit that the citizens depend upon for reasonably fulfilling their civic duties. It is difficult for most citizens to resist the temptations of material wealth. Therefore, most citizens living in a large, democratic state may be short-sighted and selfish. The interests that most citizens believe they should protect may conflict with the interests of their state and their offspring, especially in light of current processes of globalisation; outsourcing is an obvious example of this phenomenon.

Secondly, as discussed in Chapter 3, a single vote rarely has any significant influence on the final political decisions made in large democratic countries. Considering the costs and benefits of making reasonable political decisions in a large, democratic state, it would be irrational and immoral for most citizens to spend time on improving their political competence, rather than on things which are far more valuable and morally praiseworthy (Arneson 2009: 202, Hardin 2009: 235).

Thirdly, in a large state, it is almost impossible for most citizens to spend a long period in contact with their leaders, and to know them well. This being so, most citizens know and judge their political leaders by the influence of politically charged public communications, which potentially renders them vulnerable to the manipulation of their political judgement. By contrast, in a small community, citizens are more likely to be acquainted with public affairs in their daily lives, and they know the local citizens' interests better than any 'armchair bureaucrats' in the distant central (federal) government.[90]

Last but not the least, the 'public good' or 'public wealth' in a large state is so complicated that it is often beyond the comprehension of most citizens; on account of this, the majority of citizens are not adequately informed of all the intricacies of such debates. In order to promote his 'small republic' theory, Montesquieu points out that in a large state, the common good is too sophisticated for the citizens to grasp:

> In an extensive republic, there are men of large fortunes, and consequently of less moderation: there are trusts too considerable to be placed in any single

[90] This will be further elaborated upon in Chapter 6.

> subject; he has interests of his own; he soon begins to think that he may be happy and glorious by oppressing his fellow-citizens; and that he may raise himself to grandeur on the ruins of his country. In an extensive republic, the public good is sacrificed to a thousand private views; it is subordinate to exceptions and depends on accidents. In a small one, the interest of the public is more obvious, better understood, and more within the reach of every citizen; abuses have less extent, and of course are less protected. (De Montesquieu 1989: 157)[91]

Compared with a large state, a small state is more likely to facilitate effective communication between citizens and their rulers; when such communication is functioning well, citizens are more likely to know what kinds of person their rulers are, and what they are doing. Early Confucians believe that the rulers should not be people with whom most of the citizens are not well acquainted. Mencius gives an example of the ancient sage ruler Shun. Before Shun became a ruler, most citizens had observed Shun through his twenty-eight years of service (*Mencius* 5A5). Also, in a small community, most citizens have relatively sufficient knowledge of relevant political problems which are 'close to their lives.'[92]Therefore, early Confucians contend that citizens are more likely to make reasonable political decisions about the local community rather than about the whole state, unless the state is small.

4.5 Harmonious Community

According to the discussion above, it is highly unlikely that most citizens in a large state are in a position to make reasonable decisions about which policies would better benefit the whole state or who could make better policies regarding serving the well-being of all citizens. Therefore, in a large, democratic state, democratic political rights or voting rights may not help most citizens to promote their own self-interest in a reasonable manner.

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[91] Jean-Jacques Rousseau develops similar arguments in his *On the Social Contract* (book 3, chapter3, 4), and *Discourse on the Origin and Foundations of Inequality among Men* ('To the Republic of Geneva').

[92] Zhang Xianglong 張祥龍, a prominent contemporary Chinese philosopher, proposes a Confucian experiment for a small community (such as those who voluntarily live in a 'preservation zone for Confucianism' (*Rujia baohu qu* 儒家保護區), see Zhang (2007).7

Early Confucians would only support citizens to participate in making political decisions about 'strictly local' matters. This is because these decisions are highly likely to be reasonable. However, the difficult question here is which matters should be judged as 'strictly local,' and according to which standard. In today's well-connected world, no local matters are purely local. Thus, the matters which are 'strictly local' to a citizen seems to the matters that exert relatively little influence beyond the community or civil organisation of the citizen. Therefore, as regards local matters that do exert a higher degree of influence on the outside world, the attitudes of the citizen can only be one factor in the process of decision-making, and arrangements (such as those that will be discussed in the following chapters) need to be made in order to prevent local citizens from doing things in a short-sighted way. It is beyond the scope of this philosophical study to determine what criteria should be used to judge whether certain matters are 'strictly local' or not; this is more a topic for empirical studies and field research. However, it is nonetheless possible for a Confucian political philosopher to provide a single key guiding principle:

> The matter is strictly local, if and only if it is within the intellectual and moral capabilities of local citizens to make reasonable political decisions that will contribute to the harmony of the local community; such that the citizens will endeavour to promote the interests of other citizens in their local community, rather than perceiving said interests as limitations on one's own self-interest.

This guiding principle is consistent with how *Ren* requires citizens to behave in their community. Confucius says, 'It is *Ren* that gives the beauty to the community you live. If you can choose but do not dwell among those with *Ren*, how can you be called wise?' (*Analects* 4.1). As discussed in Chapter 2 and Chapter 3, early Confucians believed that citizens should consider themselves as possessing certain roles involving specific reciprocal relationships; and that in keeping with this, they ought to prioritise mutual care within the community, rather than positioning themselves to make claims against others on account of their possessing certain rights.[93] And only in this way, can citizens make reasonable decisions that will lead to a harmonious community.

However, this, in turn, begs the question of:

[93] Chapter 5 will discuss Confucian role ethics in detail.

‘What is harmony?’

‘What is a harmonious community?’

‘Why should we pursue a harmonious community?’

Harmony is the most valued concept in East Asian culture. In classical Confucianism, harmony, at the bottom, means the absence of conflict. Early Confucians prioritises a non-violent and balanced way to deal with various conflicts, for the purpose of establishing a peaceful order, and of assuring harmonious relations of family, community, state and the whole world, as well as between human beings and nature (Li 2013, Angle 2009).

For early Confucians, a harmonious community is primarily characterizable, by the existence of harmonious relations in the community. Daniel Bell points out that the early Confucian emphasis on the importance of harmonious relations is not just a ‘descriptive banality about how our identities are shaped by our communities, but is rather a normative claim that human flourishing is constituted by social relations of certain kinds so that we have an obligation to nourish those relations’ (Bell 2016: 55).

In classical Confucianism, it is *Ren* that requires us to value our harmonious relations with the members of our family and community, our fellow citizens, the citizens of other states and our nature environment (Han 2013: 4-6). For early Confucians, harmonious relations among family members are the most important, since, without these relations, any harmonious relations between citizens and countries would be impossible. Mencius claims that rulers who implement *Ren* Government always first and foremost promote the interests of the worst-off citizens who are deprived of harmonious familial relations.

> Mencius said, ‘Old men without wives are called widowers; old women without husbands are called widows; the elderly without children are called desolates; the young without parents are called orphans—these four, the most destitute and the voiceless among the citizens, King Wen (an ancient Confucian *Ren* statesperson) implemented *Ren* Government and made these four his first concern.’ (*Mencius* 1B5)

For Mencius, the government should be more concerned with the promotion of the material and spiritual interests of the worst-off, than with the interests of those who are

better-off. This is similar to Rawls' second principle of justice: 'Social and economic inequalities are to be arranged so that they are both (a) to the greatest benefit of the least advantaged and (b) attached to offices and positions open to all under conditions of fair equality of opportunity' (Rawls, 1999: 72).

The difference between Mencius and Rawls is that Rawls only focuses on 'property-owning' or the material interests of the worst-off, and says very little about the least-advantaged citizens, such as widows or orphans, who lack harmonious social or familial relations. However, for Mencius, the spiritual interests of the citizens (which are mainly reflected by their rich and harmonious relationships with others), are as important as their material interests.[94]

In classical Confucianism, harmonious relations are necessary, but they are not sufficient, in themselves, to justify characterising a community as 'a harmonious community.' Diversity is also important. One of the most famous lines in the *Analects* is that 'Confucian *Ren* statespersons should pursue harmony, rather than uniformity' (*Analects* 13.23). Mencius also says, 'All that is expected of the Confucian *Ren* statespersons is that they should meet the requirements of *Ren*. Why must they all be the same?' (*Mencius* 6B6). For the early Confucians, harmony does not require citizens to share the same moral beliefs, or political desires, or religious convictions.

The Confucian view of harmony values diversity mainly for moral and political reasons: early Confucians emphasise that when the rulers seriously consider diverse political views, they can avoid being tyrannical, and correct their immoral or unreasonable political decisions.[95] For example, Mencius argued that when rulers make decisions about whether an official can be promoted or punished, the ruler should not merely consult the ministers or those who are close to them; moreover, they should consider the diverse opinions of the citizens.

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[94] From the perspective of modern political theories, Mencius's view is more like a combination of social conservatism and progressive liberalism, since he discusses the importance of a functioning family structure and income; both of these happen to be two of the main sources of modern middle-class anxiety (Brooks 2001: 177-179).

[95] Daniel Bell claims that there are also some 'aesthetic reasons to value diversity: an ingredient, such as salt, that tastes bland on its own becomes flavorful when mixed in a soup' (Bell 2016: 55). However, Bell may need to provide evidence from the Confucian classics, in order to prove his assertion.

In conclusion, in classical Confucianism, a harmonious community is characterised by diverse and harmonious relations in the community. These relations play a crucial role in promoting the pursuit of a flourishing life among the citizens, as they matter not only on account of the political decisions which promote the material and spiritual interests of the citizens, but also generate social obligations and help citizens become reasonable, i.e., being able to care about others and especially those who are worst-off.[96] Thus, in CMD, a harmonious community is worth pursuing, as it helps citizens and rulers meet the requirements of *Ren* and make reasonable political decisions.

4.6 Confucian Political Rights: Making Political Decisions about Strictly Local Matters

To sum up the findings of this chapter: early Confucian views about self-interest and human nature are compatible with political rights, but are in conflict with the individualistic presumption in the normative democratic principle of political rights — human beings, by nature, are not capable of being or ought not to be altruistic enough to sacrifice their own self-interest for the well-being of others.

Such individualistic presumption is associated with some socio-political problems with the exercise of political rights in modern societies, as it is resonant with and often degenerates into a certain form of egoism that celebrates narrowly-defined self-interest; it facilitates 'patrimonialism,' i.e., a biologically rooted selfish impulse in every human being; it contributes to conflicting self-interest of individuals which further exacerbated by the exercise of democratic political rights in the system of 'one person, one vote.' To solve these problems, many political philosophers propose political participation, political talk and educative programs to make citizen reasonable. However, most of these proposals may not be effective and operative in terms of helping most citizens make reasonable political decisions when exercising their democratic political rights in a large, democratic state.

In order to help citizens to make reasonable political decisions, a Confucian conception of political rights only supports citizens to participate in making political decisions about 'strictly local' matters. On the one hand, it is highly likely that most citizens have

[96] By 'drawing on the philosophy of Xunzi and supported with examples from East Asian societies,' Daniel Bell argues that it is not rationality, but a sense of harmonious community, that leads rich and powerful people to show consideration to the interests of the less fortunate (Bell 2016: 44, 212; 2008: Chapter 3)

intellectual and moral abilities to make reasonable political decisions about 'strictly local' matters and thus to contribute to the diverse and harmonious relationships in the local community. On the other hand, the diverse and harmonious relationships generate social obligations and thus help citizens to make reasonable decisions that promote the interests of their fellow citizens in the local community. Therefore, with regard to the imperative of helping citizens to make reasonable political decisions, democratic political rights which are founded upon individualism are less valuable than Confucian political rights which are based on early Confucian views of human nature and attaches great importance to the harmony of the local community.

4.61 The Possibility of Confucian Political Rights

As discussed in Section 4.2, classical Confucianism is compatible with the practical aim of political rights, which is to protect the interests of the citizens from being infringed by those with political power. Even so, one still might argue that it is impossible to draw out and develop a Confucian conception of political rights from a critical account of classical Confucianism. This is because political rights have been widely considered to be a liberal democratic concept founded upon individualism. In other words, one might argue that it is impossible to separate political rights from individualism. So, if classical Confucianism rejects individualism, it would be impossible to develop a Confucian conception of political rights.

However, it is debatable whether or not political rights should be founded upon certain doctrines, like individualism. For, as John Rawls has pointed out if a political concept has to be based on certain comprehensive doctrines, the universal acceptability of this political concept is surely questionable (Rawls 1996:432-433, 2000:121-122). Specifically, John Rawls articulates 'three general facts' in the political culture of a democratic society (Rawls 1996: 36). Firstly, 'the fact of reasonable pluralism,' Rawls states that 'the permanent feature of the public culture of democracy' is a plurality of reasonable comprehensive, moral, religious and philosophical doctrines. Secondly, 'the fact of oppression,' i.e. 'a continuing shared understanding on one comprehensive religious, philosophical or moral doctrine can be maintained only by the oppressive use of state power' (ibid. 38). Rawls argues that comprehensive liberal doctrines, such as that of Mill and Kant, founded on autonomy and individualism, can only be universally and continually accepted through oppression. This is on account of the third fact: 'an enduring

and secure democratic regime must be willingly and freely supported by at least a substantial majority of its politically active citizens' (ibid. 38).

These three general facts lead towards the most important question discussed in *political liberalism*: 'How is it possible that deeply opposed though reasonable comprehensive doctrines may live together and all affirm the political conception of a constitutional regime?' (Rawls 1996: xx). Rawls's strategy to solve this problem is to establish freestanding political concepts detached from any comprehensive religious, philosophical or moral doctrines. From the perspective of Rawls, if we regard individualism as a part of a comprehensive doctrine, then 'political rights' as a universally accepted political concept should not be founded upon individualism only, i.e., it neither only validates individualism, nor is it only validated by individualism. In other words, the concept of 'political rights' represents an overlapping consensus, endorsed and validated by different comprehensive doctrines; a consensus which is not derived from or predetermined by any *a priori* ideas. [97]

Rawls intends to make it easier to assist those who hold different comprehensive liberal or non-liberal doctrines to accept a common political principle or concept which does not exclude any of these doctrines. Moreover, it is possible for different comprehensive doctrines to legitimately endorse the same family of concepts in different ways, rather than in precisely the same way in all cases. [98]

Taking up an insight of Rawls, on the one hand, even if the early Confucian views of self-interest and human is incompatible with certain liberal doctrines, this does not necessarily mean such views are incompatible with any political rights on principle. On the other hand, it is possible for a viable conception of political rights to both endorse, and to be validated by the early Confucian views of self-interest and human nature. In other words, it is possible that a viable conception of political rights does not have to be founded upon

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[97] Rawls carefully makes a distinction between modus vivendi and overlapping consensus (Rawls 1996: xxxix-xliii, 146-150, Rawls 2000: 149-150, 168-169), by stating that the fact of pluralism should be accepted by citizens with different comprehensive doctrines in accordance with all the fundamental liberal democratic principles.

[98]What John Rawls' political liberalism is meant to achieve is not a compromise among existing doctrines, for he believes that the basic principles of liberalism, such as equality, justice as fairness, or reciprocity cannot be compromised (Rawls 1996: xlvii, 39-40). For instance, Rawls (after 1980) argues that basic conceptions of person and society must be derived from the public political culture of society. In *Law of Peoples*, he contends that principle of justice must be drawn from shared cultural practices and beliefs (Rawls 2000: 143).

certain liberal doctrines, such as autonomy and individualism, in order to advocate any political rights of the citizens; nor does it have to deny any political rights of the citizens, on account of its rejection of any individualistic presumptions.

In CMD, the Confucian conception of political rights does not presume that every human being by nature is autonomous and only capable of seeking their self-interest. However, it can still endorse the right to political speech, the right to assemble and a limited version of the right to participate in the process of political decision-making, i.e., with regards to strictly local matters only, out of a concern with preventing political power from being abused. Therefore, it is possible that the Confucian conception of political rights is viable, even though such conception is founded upon basic tenets of classical Confucianism, rather than upon certain individualistic presumptions.

4.62 Fidelity Desideratum and Universal Acceptability of Confucian Political Rights

Joseph Chan argues that it is not only possible to provide a plurality of interpretations of human rights; it is also a strict necessity (Chen 1994: 25-38). He points out that even if the existence of human rights is justified by virtue of one's being a human being, the concept of human rights nonetheless cannot be independent of culture and society (Chen 1997:37-40). Tasioulas contends that a theory of human rights should satisfy the Fidelity Desideratum, i.e., fidelity to human rights culture. Here, the 'fidelity' is often interpreted as 'sufficiently faithful.' This means that human rights theories should not discuss something so alien to the specific practice of human rights in a particular context that it would count as not discussing human rights. Tasioulas also points out that Fidelity Desideratum is 'crystallized in the International Bill of Human Rights: The Universal Declaration of Human Rights of 1948 (UDHR) along with the International Covenants on Economic, Social and Cultural Rights (ICESCR) and Civil and Political Rights (ICCPR)' (Tasioulas 2012: 18).

Andrea Sangiovanni also endorses Fidelity Desideratum, as he highlights the importance of the 'context' in the discussion of human rights. Sangiovanni argues that 'the evaluation of the truth of a human rights claim requires us first to specify a context, then a role that human rights are meant to play in that context, and finally the type of universal moral, legal and political concern that is envisaged given that role' (Andrea 2007: 206). Thus, Sangiovanni agrees with Chan that there cannot be just one reading of human rights, since

‘it is a mistake to think that any single concept could pick out a single master list of human rights and correlated duties that meaningfully applies across all these different contexts’ (ibid. 202).

If the above political philosophers who agree on the importance of fidelity to the human rights culture are right, then political rights, as a subclass of human rights, should also satisfy the Fidelity Desideratum. This means the content, scope and justification of political rights should be ‘loyal’ to the specific practices of a particular cultural background. In other words, for any master list of political rights to be justified, such a list should be adequately compatible with the cultural background within which these political rights are widely employed and understood. Here, it is necessary to stress that the issue of cultural background is itself a complicated matter. This is because any culture of political rights is multifaceted, and ‘harbours a multiplicity of rival self-understandings’, as well as deficiencies of understandings of political rights. Therefore, the fidelity to a cultural background of political rights should not only grasp the normative ideas that underlie the culture but also be made compatible with any criticisms of that culture (Tasioulas 2012: 18).

But, why is this fidelity to a given cultural background such a necessary consideration when discussing theories of political rights? One possible answer from those holding a ‘relativist’ view of political rights could be: there are no universally shared political judgements beyond cultural and context (Benhabib 2013, Miller 2000, Macedo 2009, Young 1990, Walzer 1987). Charles Taylor and Alasdair MacIntyre contend that the interpretive framework within which individuals view their world, or the language of reasons should play an important role in political judgements (Taylor 1985, MacIntyre 2001, 2008). In his arguments against universalism, Michael Walzer contends that effective political judgements must be drawn from, and be appropriate to, the customs of real people living in particular places and times (Walzer 1989). He states that ‘‘There is no single set of primary or basic goods conceivable across all moral and materials worlds—or any such set would have to be conceived in terms so abstract that they would be of little use in thinking about particular distributions’ (Walzer, 1983: 8). Walzer even argue that cultural factors determine what is necessary for human life (ibid.8)

By contrast, those who hold an ‘universalist’ view of political rights might argue that there is a universal understanding of political rights beyond cultural background; if we

appeal to specific contexts, we may be unable to condemn some violations of political rights which may be justified by cultural factors (Pinto 2013: 31). Moreover, if the justification of the necessity of Confucian political rights is founded upon a kind of relativism, such conception may only be applied in a society with Confucian cultural background and thus may not be universally accepted. Therefore, it may be meaningless to compare Confucian political rights with democratic political rights, and it may even be illegitimate to describe Confucian political rights as a kind of political rights.

This chapter will not elaborate on the debate between relativism and universalism, as the debate involves many sophisticated epistemological and deontological issues which would take us too far afield. Rather, this chapter will focus on the more specific 'relativist' and 'universalist' views of political rights. It may not be reasonable to side with one or the other view if it is possible to reconcile these two views which seem to be mutually exclusive. It helps to realise that the universalists believe that different cultural backgrounds are not of decisive importance for defining the meaning of political rights. However, they do believe that culturally contingent political practices are relevant to how such political rights should actually be applied.[99] Thus, advocates of both 'relativist' and 'universalist' views of political rights agree that the cultural background does indeed matter in the application of political rights. That is to say, the application of political rights must be to some reasonable degree consistent with the forms of life and traditions of a particular society; they are thus subject to legitimate variations when there are changes in the cultural background itself. Here, the variations in question are legitimate only when they are based on a universally shared concept of political rights which is beyond culture and context.

Borrowing insights from John Rawls, the concept of political rights is distinct from various conceptions of political rights. Rawls points out that 'the concept is the meaning of a term, while a particular conception includes as well the principles required to apply it' (Rawls 1996: 14). The necessity of the fidelity to the cultural background of political rights presumes not only that different cultures are in a position to develop various *conceptions of political rights* in their own perspectives and terms, but also that an

[99] This idea borrows the insights from Andrea Sangiovanni's discussion of the distinction between *internationalism* and *globalism*, see Sangiovanni (2007: 3-39).

overlapping consensus on *a broad concept of political rights* 'may emerge from self-searching exercises as well as common dialogue' (Chan 1999: Chap.9).

Andrea Sangiovanni advocates a 'broad construal of human rights,' which is broad enough to include both of the dominant philosophical interpretations of human rights, i.e., Political and Orthodox views of human rights, without being meaningless or very indeterminant (Sangiovanni 2017: Chap.4). If Sangiovanni is right, it is also possible to develop *a broad concept of political rights*. This *broad concept of political rights* is defined by its practical aim which is to protect the basic interests of every citizen from infringement on the part of states, political institutions, and those with political power. These interests in question, including substantive interests as well as interests pertaining to political influence and political responsiveness, acquire meanings and values from real political practices within a particular cultural background and context. These meanings and values, which are culturally contingent, condition the principles in applying the concept of political rights. Moreover, the nature of shared political institutions and civil organisations, which determines the roles and relationships of the citizens in a specific social-political context, also constraints and limits the application of the concept of political rights. Therefore, the formulation and justification of a conception of political rights cannot be independent of the political practices found in a particular cultural context or background.

Thus, it is highly likely that the citizens with different religious, philosophical and moral beliefs hold different conceptions of political rights. The existence of these conceptions is also necessary for the fidelity to the cultural backgrounds of different societies in which the political rights of the citizens are protected. Each of these conceptions has the potential to be universally accepted insofar as it offers a different understanding of the principles in applying the same broad concept of political rights.

4.63 Confucian Political Rights and Democratic Rights

In conclusion, the Confucian conception of political rights bears a 'family resemblance' to the modern democratic conception of political rights. This is because both conceptions aim at protecting the self-interest of the citizens from the infringement on the part of states, political institutions, and those with political power. Therefore, the Confucian conception of political rights and democratic conception of political rights can be considered as

representing two distinct contextual applications of a broad concept of political rights, and such broad concept of political rights is defined by its practical aim of protecting the interests of the citizens from the abuse of political power.

Unlike the democratic conception of political rights, the Confucian conception of political rights is only applied at the local community level, in order to avoid party politics and help most citizens make reasonable political decisions. In other words, such conception does not require that all citizens have the opportunity to directly participate in making political decisions that will deeply influence the whole state. Rather, the key imperative is that every citizen should only make political decisions about 'strictly local' matters.

As discussed earlier in this chapter, a political matter is 'strictly local', if and only if it is within the intellectual and moral capabilities of the citizens to promote the self-interest of their fellow citizens and to contribute to the diverse and harmonious relations in their local community. In turn, such diverse and harmonious relations, which generate mutual social obligations, can assist the citizens in making reasonable political decisions that serve the well-being of their fellow citizens in their local communities.

Therefore, the difference between the Confucian conception of political rights and the democratic conception of political rights is not merely the fact that the former only speaks about 'strictly local' matters, and the latter does not make such a distinction between the 'strictly local' and the whole state. More importantly, the former conception is concerned not only with the self-interest of all citizens, but also reach the level of morality. That is to say, the Confucian conception of political rights also functions on the level of one's obligations to promote the well-being of one's fellow citizens; while the democratic conception of political rights is confined to the level of the individual self-interest. Moreover, even if one were to prioritise only the latter level, the Confucian conception of political rights would still have the potential to prove even more valuable than the democratic conception of political rights. This is because the Confucian conception of political rights can help citizens to promote their self-interest in a more reasonable manner.[100]

[100] This will be further explained in Chapter 6.

5. Political Equality

This thesis has attempted to justify the viability of the Confucian conceptions of political authority and political rights. Up to now, the justifications have centred upon helping citizens to make reasonable political decisions, so that they may be well disposed towards acknowledging and advancing the interests of others. However, it is important to recognise that most of these justifications are agent-relative and interpersonal. In other words, these justifications seem to be second-personal justifications. This means that they essentially refer to at least two persons who have obligations toward each other. As Stephen Darwall points out, 'In seeing ourselves as mutually accountable, we accord one another the standing to demand certain conduct of each other as equal members of the moral community' (Darwall 2006: 119). Therefore, one may argue that the above justifications based on mutual obligations might not be normatively valid, unless CMD can ensure that all citizens share an equal normative standing when fulfilling their obligations.

Also, it appears that up to this point of the thesis, the only arguments provided for the purposes of justifying the viability of CMD have been purely instrumental. These arguments would be valid if the only justification for the viability of certain forms of government was that its political decisions would produce substantively good results in the long term for all citizens. However, there are also other alternative approaches for justifying a form of government. As discussed in Chapter 1, many political philosophers argue that the superiority of democracy is justified on the grounds of its ability to better promote political equality than other regimes. They contend that democracy is a good form of government, not only because it makes substantively good political decisions, but also because it gives every citizen an equal say in making political decisions (Buchanan 2007, Shapiro 2002, Christiano 2008, Beitz 1989, Waldron 1999, Mansbridge 1983, Cohen 1997, Christiano 2004).

Considering this, one might object the viability of CMD by arguing that it does not matter whether CMD promotes the interests of the citizens or not; because as long as it denies citizens an equal opportunity to participate in making political decisions, its legitimacy remains questionable. This critique is founded upon a normative democratic principle of political equality. This chapter will argue that there are theoretical and practical problems with the justification and operation of such principle. CMD may not be objectionable,

even if it appears to be incompatible with such principle. This chapter will elaborate upon the viability of a Confucian conception of political equality. Such conception is mainly concerned with the equal participation of citizens in political reflections, rather than the equal participation of citizens in the processes of political decision-making.

5.1 Political Influence

Ronald Dworkin, in *Sovereign Virtue*, describes political equality as the 'virtue of Sovereigns.' He contends that 'a political community that exercises dominion over its own citizens, and demands from them allegiance and obedience to its laws, must take an impartial, objective attitude to them all.' (Dworkin 2000: 6). It might appear that CMD does not have an impartial attitude to everyone, as it may treat Confucian *Ren* statespersons or those who are intellectually and morally superior with more respect than others.

Moreover, Joshua Cohen claims that different philosophies of life all have a common ground which is as follows: 'people sometimes have substantial, sometimes compelling reasons for addressing public affairs' (Cohen 1999: 406-407).[101] CMB3 states that knowing and practising the political truths of *Ren* much better than others is a warrant for having political authority over others. On account of this belief, it would appear that CMD does not provide all citizens with an equal opportunity to address public affairs; especially those who are not in a position to make reasonable political decisions. As a result, Confucian *Ren* statespersons or those who always make reasonable political decisions may be able to exert a much higher degree of political influence than other citizens. However, in a democratic election or referendum, everyone has an equal degree of influence over political decisions. Thus, provided every citizen complies with political decisions that have been made in a democratic manner, every citizen will treat others equally, and will themselves be treated with equal respect.

Hence, some may claim that compared with CMD, modern democracy is a superior form of government; since everyone in a modern democratic state has equal political influence in making political decisions, and are thereby treated with equal respect. However, this

[101] Some scholars may suggest that Cohen's view is based on an updated version of the Aristotelian 'philosophy of life.' See also Ober (2007: 59-73), Cohen (2001: 72-73).

claim may not be self-evident; as it confuses equal opportunity for direct participation in the process of political decision-making with equal political influence. Therefore, it is necessary to clarify the meaning of 'political influence'.

5.11 Absolute Political Influence

It is true that providing much more opportunities for Confucian *Ren* statespersons to make political decisions, *vis-à-vis* other citizens, will decrease the opportunities of other citizens to directly participate in the process of political decision-making. However, it does not follow from this disparity that either some citizens enjoy less absolute political influence than others or that the distribution of opportunities for absolute political influence is unjust. [102]

It is possible for CMD to ensure the absolute political influence of most citizens without adopting 'one person, one vote' for the following reasons.

Firstly, as discussed in the previous chapters, the only purpose of giving Confucian *Ren* statespersons more opportunities to make political decisions is to help all citizens achieve flourishing lives. For early Confucians, the interests of the common citizens are the most important consideration, rather than those of their rulers. Thus, Mencius said:

> The citizens are of supreme importance; the next are altars to the gods of earth and grain; the last comes the ruler… When the sacrificial animals are sleek, the offerings are clean, and the sacrifices are observed at due times, and yet floods and droughts come, then the altars should be replaced. *(Mencius* 7B14*)*

Chapter 3 and Chapter 6 discuss how, in CMD, Confucian *Ren* statespersons make reasonable political decisions to promote the material well-being as well as the spiritual well-being of all citizens. The spiritual well-being of the citizens mainly depends on the satisfaction of the attitudes of the citizens, including their philosophy of life, political beliefs, moral outlook, and religious convictions as long as all these are reasonable or

[102] In this thesis, the term 'absolute political influence' does not refer to unrestrained and unlimited political influence, but to political influence as the degree of power exerted by one individual in abstraction from any relational comparison with other individuals. As such, absolute political influence *does* admit of degree. Therefore, it is different from the relative political influence which is the main topic discussed in the rest of this chapter.

compatible with 'common human reason' (in a Rawlsian sense).[103] It is thus possible for political decisions made by Confucian *Ren* statespersons to be constructively sensitive to the political attitudes of most citizens. Hence, Confucian *Ren* statespersons are capable of indirectly ensuring the absolute political influence of most citizens, at least in ideal situations.

Secondly, if the Confucian political authority and the Confucian political rights discussed above were to result in the consistent enactment of reasonable political decisions, CMD would eventually ensure an overall increase of leisure and wealth. Thus, most citizens under CMD would have more leisure time. They would also have more means at their disposal to participate, directly or indirectly, in various political activities; such as gaining more political knowledge, getting better political information and discussing political issues with others. It is highly likely that this indirectly increases the absolute political influence of the citizens more broadly; as they are thereby better informed about politics and are in a better position to make reasonable judgements. Moreover, an overall increase of leisure and wealth often leads to a more powerful and influential state. This would also enlarge the scope and importance of political decisions that most citizens can influence and would, thereby, to some extent, increase the absolute political influence of all citizens.

Finally, as discussed in Chapter 4, CMD encourages citizens to actively participate in political decision-making in their local community; as fewer citizens will be involved in such matters especially when the local community is relatively small, the degree of absolute political influence they exercise will increase accordingly. Moreover, a citizen's political decisions about 'strictly local' matters are highly likely to be reasonable, and thus are very likely to exert positive influence on public affairs.

Moreover, as will be explained below, it is not adequately clear why promoting the absolute political influence of the citizens is purely a matter of 'one person one vote.' If what ultimately matters is the absolute political influence of the citizens; then, what is the most important may not be 'one person one vote', but rather an equal participation in political reflections; the latter can promote the absolute political influence of the citizens effectively and fundamentally, as it helps the citizens to realise their political values.

[103] For a brief discussion of Rawls's 'common human reason,' see Chapter 3 of this thesis.

5.12 Realising Political Values

It has been argued that the absolute political influence of the citizens depends, to a large extent, on the realisation of their political values. In other words, helping citizens better realise their political values will fundamentally increase their absolute political influence. There are at least two steps towards realising political values.

The first step is to engage with political values. Such engagement is a matter of political reflections on what political values may exist, what reasonable political judgements can be made in light of these values, and how to act upon these judgements. In order to help citizens better engage with political values, it is necessary to provide citizens with more opportunities to participate in various forms of political reflections. These political reflections are capable of assisting citizens to make reasonable political judgements about what particular political decisions are under discussion; about whether certain political decisions correspond with their political attitudes and promote their individual political interests; as well as about whether certain political decisions are good or just in general. More importantly, through such political reflections, most citizens should be able to 'treat politics as an extension of his moral life' (Dworkin 2002: 202-203).

The second step is to realise political values, which is possible only after sufficient engagement with political values. The political values of citizens are realised when political decisions actually match their political attitudes; this includes their political desires, moral outlook, and religious convictions. For most citizens, it would be more of a crucial imperative to realise their own individual political values, than to directly participate in political decision-making.

On the one hand, it is possible to attain to the realisation of the political values of the citizens without providing every citizen with an equal opportunity to directly participate in the process of political decision-making. For example, a process of consultation at the stage of selecting members of Confucian Parliament in CMD would assist Confucian *Ren* statespersons in making political decisions that happen to be what most citizens believe and want most; even if these political decisions are not made in a liberal democratic manner.[104] This process is similar to Rawls's 'decent consultation hierarchy' (Rawls 2000:

[104] The Confucian Parliament and other institutional arrangements in CMD will be further discussed in

71-73). Specifically, during this process, the Confucian *Ren* statespersons listen to their fellow citizens by holding public discussions. Every citizen has an equal opportunity to participate and to express their political dissent in these discussions. In such a scenario, the Confucian *Ren* statespersons are required to take every dissenter's opinions seriously and give a detailed reply. They have an obligation to review the results of public discussions and to hear different voices, in order to verify whether the final political decisions would satisfy the moral beliefs, political desires and various substantive interests of their fellow citizens. This would, to some extent, prove that CMD is capable of attending the political values of the citizens.

On the other hand, it is also conceivable that even when every citizen has an equal opportunity for direct participation in the process of political decision-making, the political values of some citizens will not be realised. For example, in most modern democratic societies, the citizens of persistent minorities are commonly outvoted in a referendum and have to accept results which do not correspond with their political attitudes. Thomas Christiano points out that what persistent minorities are deprived of is not only their substantive interests but also the satisfaction of their political beliefs (Christiano 2008: 92, 226-227). It is often said that in polarisation, the political values of the minority are not realised. The political decisions made by the majority tend to treat members of the minority badly both in political and substantive terms (Beitz 1989: Chap.7). In addition, the long-term presence of minorities may lead to substantively bad results which affect not only members of the minorities, but also those in the majority.

It is highly likely that in many democratic countries it does not matter whether a voter is in the majority or minority; for, as long as the voter is powerless, his or her interests are often trumped by the interests of the more powerful and vocal. By way of an analogy: in a singing competition, every singer is asked to sing at the same time. However, if only one of the singers has a megaphone, it is appropriate to say that this competition gives every singer an equal opportunity to sing in front of the judges, but not an equal opportunity to be heard. When the singer with the megaphone sings, no other singers will have the opportunity to be heard by the judges. In a singing competition, having an equal opportunity to sing cannot ensure having an equal opportunity to be heard. Similarly, in real political practice, an equal opportunity to participate in the process of political

decision-making does not entail an equal opportunity to realise one's political values. 'One person, one vote' may only guarantee the former opportunity, rather than the latter.

There are also two worrying scenarios that may arise from 'one person, one vote.' One is that unreasonable majorities may take advantage of the democratic process, in order to enact policies which could result in suppression of the political values of the minorities.[105] Another situation is that some small wealthy and powerful groups may exert disproportionate influence on the process of making political decisions——either by blocking changes in accordance with their own partisan interests, or lobbying for policies that are only consistent with their own political values.[106] Moreover, these powerful small groups may try to control the representatives, or those who are elected to occupy the political positions; Guerrero argues that the powerful can control the elections by deciding who can be potential candidates; or control those who are elected, by deciding which political positions are available, and arranging positional shifts (Guerrero 2014: 135-178).

Many empirical studies show that nowadays, it is perfectly possible for a well-funded and organised minority to successfully pursue their agendas against relatively powerless majorities; this includes issues such as the regulation of financial institutions,[107] environmental protection, gun control and other issues pertaining to the core political values of different groups of citizens.[108] For example, Martin Gilen's study shows that in the US, whenever there is a conflict between the preferences of the economic elites and the preferences of the middle class, the policies are more likely to satisfy the former than the latter (Gilens 2012: 20).

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[105]Michael Mann argues that democratic voting rights often define voters as the 'dominant ethnic group, generating organic conceptions of the nation and the state that encouraged the murderous cleansing of minorities' (Bell 2015: 22, Mann 2005: 3).

[106] See Kay, John 2013. 'A tyranny of the minority in an age of single-issue obsessives.' *The Financial Times*, June 12, 7. Lawrence Jacobs and Robert Shapiro point out that elite groups have been taking advantage of their increasing incumbency advantages, in order to reduce the level of political responsiveness in democratic countries (Jacobs and Shapiro 2000: 75).

[107] Mark Blyth contends that since the 1960s, the most important financial institutions in the US have generally not been subject to democrat control; this makes responsive social democracy impossible (Blyth 2005: 379-407).

[108] Colin Crouch notices that in the UK, the influence of trade unions is declining, while global companies are able to exercise more and more influence on democratic political institutions (Crouch 2004). Warren Buffett admits to this in the *New York Times*: 'My friends and I have been coddled long enough by a billionaire-friendly Congress. It is time for our government to get serious about shared sacrifice. Billionaires like me should pay more taxes' (Buffett 2011, Guerrero 2014: 148-151).

This thesis does not attempt to deny the desirability of equal participation of all citizens in political decision-making. 'One person, one vote' does give some citizens absolute political influence, and helps them realise their political values. However, there has not been a clearly and unequivocally valid justification of the view that 'one person, one vote' is necessary or sufficient for helping most citizens to realise their political values. Many Western political philosophers merely assume that equal political participation is a self-evident 'fixed truth,' but they rarely explain why. [109] For example, in *A Theory of Justice*, John Rawls claims that there are several basic liberties that cannot be compromised upon and that equal political participation is one of them. He states:

> It is essential to observe that the basic liberties are given by a list of such liberties. Important among these are political liberty (the right to vote and to hold public office) and freedom of speech and assembly; liberty of conscience and freedom of thought… These liberties are to be equal by the first principle. (Rawls 1999: 53)

Rawls contends that the first principle of justice (equal basic liberties) is prior to the second principle of justice (the difference principle). On account of this priority rulers, Rawls suggests basic liberties should not be sacrificed even for the purpose of generating fair equality of opportunity or benefiting the 'least-advantaged members of society' (Rawls 2001: 42-43). Rawls never gives a clear explanation for why 'the right to vote and to hold public office' might be a 'basic liberty,' just like liberty of conscience, or choice of occupation (Kolodny 2014a: 196).

This thesis attempts to argue that 'one person, one vote' or equal opportunities to directly participate in political decision-making process are only symbols or by-products of equal opportunities for realising political values; rather than a necessary or sufficient condition for such a realisation. If a group of Christians who lived in Jerusalem or Bethlehem had more opportunities to visit holy sites than others, they would not necessarily have more opportunities for realising their religious values than Christians living in other parts of the world if what matters for religious practices is not 'where the body is, but where the

[109] Deliberative democrats might argue that the most reliable way of realising political values is to arrive at political decisions on the basis of a certain kind of public discussion, or some kind of deliberative democratic arrangement. However, it is reasonable to understand this purely as an argument for just such a kind of public discussion, or some other alternative deliberative democratic arrangements; i.e., it need not follow from such an argument, that equal political participation is a strict necessity in itself.

heart is?' It is likewise not clear that equal opportunities to vote is any more a necessity for the realisation of political values than the equal opportunities to visit religious sites for the realisation of religious values.

Some might argue that political activity is a zero-sum game which is different from religious practices (Brighouse 1996: 132, 1997: 165, Rawls 1996: 328). However, this view may be problematic since political practices and religious practices have many common characteristic features. For example, human beings are both active and passive actors in these practices; they both influence, and are influenced by, the results of political practices and religious practices. Human beings also enjoy a certain kind of psychological satisfaction from participating in such practices. This psychological satisfaction is not merely a question of acquiring a benefit of some kind, but also of realising certain values one believes in.

Drawing an analogy between politics and religion here is understandable if one is to interpret the practical aim of 'opportunities for absolute political influence' in terms of the individual belief in certain political values, rather than the substantive results of such. Ronald Dworkin also uses a similar analogy:

> Just as someone denied opportunity to worship according to his or her own lights is denied a foundational part of religious life, so someone denied opportunity to bear witness to his concept of justice, as he understands what the concern requires, finds his political agency stultified. (Dworkin 2002: 202-203)

Dworkin seems to be suggesting an 'individualist interpretation,' which interprets opportunities for exerting political influence as opportunities for bringing one's individual political beliefs to bear on political practices; just like having opportunities for bringing one's individual religious beliefs to bear on one's religious practices.

To sum up, 'one person, one vote' may matter as a 'symbol' of equal opportunities for realising political values. This thesis does not intend to argue that this 'symbol' is dispensable; rather, it intends to argue that this 'symbol' is not a universal and unconditional necessity for helping citizens to realise their political values. It is not self-evident *a priori* that it is an imperative in all conceivable historical circumstances; it

cannot be assumed that this 'symbol' is always a necessary objective for those who wish to promote the absolute political influence of most citizens. Although CMD appears to be incompatible with this 'symbol,' CMD can still provide citizens with opportunities to realise their own individual political values, and therefore, to promote the absolute political influence of the citizens. Therefore, it is possible for a Confucian conception of political equality to bestow a Confucian *Ren* statesperson the prerogative of asking his or her fellow citizens to cede a portion of their opportunities for direct participation in making political decisions to the Confucian Ren statespersons (the rest of this chapter will further elaborate on this).

However, one might point out that CMD is only concerned with the absolute political influence of the citizens, rather than their relative political influence. It is reasonable to inquire why does CMD not ensure that all citizens have the same amount of absolute political influence so that political decisions are no less sensitive to one's own political attitudes than to anyone else's? This question is about relative political influence and will be discussed in the following sections.

5.13 The Equality of Political Influence

One might argue that it does not matter if some citizens do not have much absolute political influence, as long as no one citizen has more absolute political influence than everyone else. What matters is that every citizen has equal political influence *de jure*, if not necessarily *de facto* in all cases. It is highly likely that in a large, democratic state, the main concern of the majority of citizens is their relative political influence. Therefore, even if CMD can help most citizens realise their political values and bestow a high degree of absolute political influence on most citizens, CMD will still appear objectionable for ignoring the importance of the relative political influence of its citizens; as well as for not treating all citizens as equals in political practice.

This unequal treatment, which most democratic theorists are against, often leads to asymmetries of political influence and violates the most valued principle in modern democracy: the normative democratic principle of political equality: if a process of political decision-making gives anyone a say, it should give everyone else an equal say. This principle is about equal opportunities for direct political participation, and it is mainly related to the interests of the citizens pertaining to political influence, rather than

the substantive interests of the citizens. Hence, for the sake of equality, the relative political influence of the citizens is the crucial concern for those who wish to promote the normative democratic principle of political equality; not so much the absolute political influence of the citizen. It is not of imperative importance whether the citizens can exercise a high degree of absolute political influence. For, the normative democratic principle of political equality is not violated as long as no one has more absolute political influence than others.

For many political philosophers, the normative democratic principle of political equality is based on an ideal of social equality, i.e., as every citizen in a polity has ongoing social relationships with others, every citizen has compelling reasons to desire social equality as the basis of these social relationships with others. It is the social equality that gives one the power to be free of social subordination to others; the power to avoid being dominated by others. This reasonable desire is reflected in the hostility commonly directed towards certain relationships of subjection, such as slavery, and towards hierarchical social structures, such as class.

Many scholars appeal to social equality in their justifications of the superiority of modern democracy. For example, George Kateb argues that the development of modern representative democracy shows that the requirement of equal relationship can be extended from social relationship to political relationship (Kateb 1981: 365).[110] Elizabeth Anderson discusses a number of values related to social equality, which are promoted by modern democracy, such as treating the interests of others as being of equal importance to one's own; this serves as a positive endorsement of self-government (Anderson 2009: 229-243). The views of such scholars largely correspond with the view of Daniel Viehoof:

> We have a weighty interest in relationships to others in which we are not simply treated alike, but are being publicly respected as equals; such public equal respect is best (or perhaps only) shown by treating as authoritative the decisions of a procedure in which each citizen has an equal positive say. The authority of democratic procedures is based on the value of relating to others

[110] Kateb points out that 'the modern birth of representative democracy, in England, North America, and France, was itself facilitated by the urgencies of the private or domestic or neighbourly voice, or the voice of friendship or brotherhood or religious devotion. There was a passion to repudiate the claimed immunity of the political sphere from the exacting requirements of the best morality of everyday life' (Kateb 1981: 365).

> as equal rulers: our interest in seeing others obey decisions in the making of which we participate as equals—an interest derived from our concern for being publicly respected—justifies each citizen's duty to obey democratic decisions. (Viehoff 2014: 337-375)

Therefore, one might argue that democratic process of political decision-making or 'one person, one vote' guarantees political equality and thus better promote social equality than the political decision-making process in CMD. Therefore, modern democracy is superior to CMD. Specifically, there are three main premises used to justify the superiority of modern democracy on the grounds of social equality:

> P1: Social equality is of great value to citizens. Equal social relationship(ESR) is worth pursuing and necessary for citizens.
> P2: The value of social equality applies to political equality. The equality of political influence is a sufficient and necessary condition for ESR.
> P3: Modern democracy ensures the equality of political influence among citizens.

The rest of this chapter will argue that these three premises are not self-evidently true.

5.2 Equal Social Relationship (ESR)

P1 is based on a democratic view of social equality. As will be discussed below, there are practical and theoretical problems with P1. In theory, the definition of ESR is unclear; while in practice, ESR is rare, and will not necessarily be valued by most citizens of most polities as a necessity. Moreover, it is not so clear whether citizens are actually willing to or morally required to risk undermining social order and other goods to a substantial degree, in order to pursue ESR. Compared with the democratic view of social equality exemplified in P1, early Confucian views of social equality which is founded upon 'extension of love' may be more realistic and morally acceptable.

5.21 The Definition of ESR in Theory

The definition of ESR appears to be somewhat unclear. One possible definition of this term is a 'negative definition:' ESR is not an unequal social relationship, i.e., ESR is not

a relationship of social inferiority or superiority. However, it would then be reasonable to ask what precisely is a relationship of social inferiority or superiority? One might try to explain that if one has substantially inferior means for obtaining substantive goods or for realising a flourishing life, then one is socially inferior to others. But if, for the sake of argument, I have better or more means of obtaining substantive goods than my grandfather, because I am younger and healthier; this surely cannot be taken to imply that I am in a position of social superiority to my grandfather.

One might revise the above explanation by saying that the concept of social relationships of inferiority or superiority is only relevant when such a disparity in the means of obtaining substantive goods is the result of unequal distribution regarding need or contribution. However, there may also be some problems with this explanation. For example, it is possible to imagine that the money I earn by my contribution is stolen by a thief who is richer or needs less money than me. Because there are no meaningful social relationships between the thief and I, it is inconceivable that the thief is socially superior to me.

One might continue to revise the above explanations by offering a tautological definition, i.e., if the existing unjust distribution of means towards the obtainment of substantive goods makes someone socially superior or inferior to others, then there are social relationships of inferiority or superiority. However, this tautological definition may also have some problems. This is because there are various kinds of substantive goods; the concept of 'unjust' in the allocation of substantive goods is too abstract and ambiguous. For example, if a state were governed by the Confucian *Ren* statespersons who are responsible for distributing the various means of obtaining substantive goods, then, to some extent, such Confucian *Ren* statespersons would have more means than others to obtain substantive goods. Thus, it would appear that such rulers are indeed socially superior to other citizens. However, on account of their moral virtue which has been approved in a series of examination and political practices, the Confucian *Ren* statespersons would voluntarily deprive themselves of many means to substantive goods, such as leisure time or wealth that other citizens enjoy. If it is assumed that all means to substantive goods are commensurable on account of this 'trade-off,' then on balance, the Confucian *Ren* statespersons actually have less or worse means of obtaining substantive goods than other citizens. In this context, it is unclear whether the Confucian *Ren*

statespersons are socially superior or inferior to their fellow citizens.[111] In other words, the Confucian *Ren* statespersons may retain a higher degree of relative political influence over other citizens. However, as long as the Confucian Ren statespersons exercise their greater political influence purely for the purposes of securing a just allocation of substantive goods to which other citizens are entitled, the social superiority of the Confucian *Ren* statespersons is a highly debatable point.

If one merely explains 'equality' as a just distribution, we may find it rather complicated to clarify the meaning of ESR. This is because a just distribution of substantive goods does not necessarily equal an equal distribution of substantive goods. As discussed in Chapter 4, most early Confucians believed that the government should be most concerned with promoting the interests of the worst-off. This is resonant with Rawls's 'the second principle of justice':

> Social and economic inequalities are to satisfy two conditions: first, they are to be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they are to be to the greatest benefit of the least-advantaged members of society (the difference principle). (Rawls 2001: 42-43)

Therefore, in certain situations, it may be just to distribute the means of obtaining substantive goods unequally, as long as this result in compensating benefit for every citizen, and in particular for those who are the worst-off.

Among most political philosophers, it seems difficult to reach an agreement on the meaning of 'just' in the context of distributing substantive goods. There are many debates surrounding 'social egalitarianism,' 'left-libertarianism' or other related theories; such theories do provide various plausible arguments about just or fair distribution (Wolff 1998: 97-122, Anderson 1999: 287-337, Scheffler 2003: 5-39, Satz 2010). It is unclear what kind of distribution can reasonably be considered just or fair. Some scholars, such as Philip Pettit and Nicholas Vrousalis, contend that the goal of avoiding social inequality

[111]This Confucian community somewhat resembles Philip Pettit's 'the kindly slave master,' see Pettit (1999, 2002: Chapter.3).

may conflict with the task of satisfying independent standards of just distribution (Pettit 2012: chap.2, Vrousalis 2013: 131-157).

Some might propose a 'simple' definition of ESR which is not dependent on the promotion of a just distribution of substantive goods. For example, according to David Miller's view, 'social equality' is mainly concerned with equal social status rather than with 'any distribution of rights or resources' (Miller 1997: 224). Miller further points out that this social equality:

> Identifies a social ideal, the ideal of a society in which people regard and treat one another as equals, in other words, a society that is not marked by status divisions such that one can place different people in hierarchically ranked categories, in different classes for instance. (Miller 1997: 224)

In Miller's view, ESR is a kind of relationship among those who have equal social status. Compared with the above definitions, this 'simple' definition of ESR seems to be clearer and less controversial. However, if ESR is to be understood in this manner, then it is likely that ESR can only ever exist in ideal situations; its usefulness as a guide for concrete political practice is questionable.

5.22 The Value of ESR in Practice

When considering real relationships in modern society, it is a commonplace assumption that most citizens are unequal in terms of their social status. This is what many social scientists would describe as 'hierarchy,' 'stratification,' 'subordination,' or 'distinctions in rank or status.' In societies influenced by Confucian culture, it is widely accepted that many valuable and important relationships—— such as those between parents and children, teachers and students, generals and soldiers as well as the rulers and their fellow citizens—— are not and should not be relationships among equals. Even in modern democratic countries, some kinds of social superiority are acceptable to most citizens. For example, very few would deny that the Chief Justice of the Supreme Court has a higher social status, and therefore are, to some extent, socially 'above' or superior to many other citizens.

Strictly equal social relationships are rare in reality. This is because everyone is attached to one's own social roles, including roles pertaining to one's family, school, company and various communities. Such attachments are heavily dependent upon the voluntary choices of individuals. Different citizens have different social roles, many of which are part of an unequal social relationship, and their social roles are generally representative of the characters of such relationships. These unequal relationships are usually valuable and acceptable to most citizens. This is because the citizens adopt their own preferred values when they live out their social roles. Although most of these social roles are hierarchical in character, they provide citizens with meaning, orientation, and the possibility of a fulfilling life. Therefore, on account of these benefit, these social roles are of great importance for the flourishing lives of the citizens.

One of the essential ethical ideas of classical Confucianism is that citizens should attach tremendous importance to their social roles, which form part of a structured social order. An individual is habituated to play a particular role from infancy onwards. One begins by holding a position in one's family as a son or daughter, and then as a parent; eventually, by extension, one holds an increasing number of positions in the world. For Confucius, one's role reflects one's true nature, and one is obliged to make one's true nature correspond with one's role in the family and the community to which one belongs. Confucius famously states: 'Let the ruler be a true ruler, the ministers true ministers, the fathers true fathers, and the sons true sons' (*Analects* 12.11).

For early Confucians, no one can play a role as an isolated self that lacks meaningful connections with other citizens in one's family and community. Henry Rosemont emphasises that Confucian ethical views are role/relation based and early Confucians oppose any assumption that human beings can live independently of society and culture:

> For early Confucians, there can be no me in isolation, to be abstracted; I am the totality of the roles I live with specific others. I do not play or perform these roles; I am these roles. When they have all been specified, I have been defined uniquely, fully, and altogether, with no remainder with which to piece together a free, autonomous self. (Rosemont Jr 1988: 177) [112]

[112]Joseph Chan points out that Confucianism also has a non-relational understanding of human beings. He contends that Rosemont's theories embody certain oversimplified presuppositions or misinterpretations of role-based Confucian perspectives. He argues that Rosemont's arguments are derived from a false premise:

According to Confucian role ethics, every citizen plays a series of social roles; each of these is defined by a web of relationships. Thus, none of the dignities, duties, or virtue of the citizens can be separated from their social roles. [113] In classical Confucianism, most social roles are spoken of in relation to the social standing of a citizen, and the behaviours and attitudes required of that citizen by virtue of that very social standing. To a large degree, differences in social standings determine relationships among citizens of the state. Even though most of these relationships are not socially equal, they are in fact what some political philosophers might call 'role-respectful.' That is to say, such relationships are based on acknowledgement and affirmation of the values attached to the roles of every citizen. Hence, the values attached to the social roles of the citizen of inferior (superior) status is acknowledged and affirmed, as part of their relationship to those of superior (inferior) status. For example, a lieutenant affirms his own value in being a loyal and obedient soldier, by means of relationship with his captain; at the same time, the captain also affirms his value in being a respectful leader, by means of his relationship with his soldiers.

One might argue that even if the abundance of hierarchical roles means that ESR is not common in everyday life, most citizens still believe ESR is good and worth pursuing. And since every citizen wants the values of his or her social roles to be acknowledged equally by everyone else, those who are social inferiors may feel that the values of their social roles are less acknowledged than the values pertaining to the social roles of others. If this is so, then ESR is good and deserves to be pursued, especially on behalf of those who hold a position of social inferiority.

This thesis is not an attempt to deny the desirability of ESR; given that most citizens are motivated to place a positive value on equal social roles. However, there are other particular goods which may only exist in hierarchical social relationships among those who play different social roles. These particular goods include but are not limited to social order, role-respectful relationships, role-based harmony, stability, and the self-fulfilment derived from successfully fulfilling a highly esteemed role. It is possible that when

the view 'Confucianism subscribes to a purely role-based view of morality' (Chan 1999: 217).

[113] There was always some ambiguity on how early Confucians define social roles; this is discussed further in the following chapters.

citizens pursue ESR in reality, they may find that as regards serving the general well-being of the citizens, some other particular goods, such as social order, are of more value; at least in some respects. For example, without social order, it would be impossible for some citizens to fulfil any social roles and to establish any social relationships whatsoever; let alone to acknowledge the values pertaining to their social relationships.

In short, if one pursues ESR, one might eventually succeed in reaping the benefit of ESR. However, in the process of pursuing equal social status, one may also end up inadvertently undermining some particular goods. These particular goods may themselves be of value, and capable of bringing substantive benefit to the citizens. If this is so, then the citizens may have compelling reasons to promote such goods, and at the same time, to tolerate or even ignore the negative effects of losing ESR.

However, one might argue that even if some particular goods are more valuable than ESR, ESR is still worth pursuing simply because unequal social relationship (USR) is a bad thing, and thus morally unacceptable. More precisely, one might give a straightforward argument for the inappropriateness of USR: USR is unacceptable because it leads to problems of social inferiority and superiority. However, at the very moment, one appeals to such problems of social inferiority and superiority, one is already presuming that USR is problematic.

It is possible to provide some instrumental arguments, in order to prove that USR is problematic. For example, it might be implied that USR has a negative effect on the happiness of the citizens. Specifically, those who consider themselves to have an inferior social status may lack 'confidence' or 'self-respect.' [114] Hence, they do not have enough motivation to make their own reasonable plan of life and pursue their dreams. However, such a concern for 'confidence' or 'self-respect' can be independent of the concern for USR. Citizens can get or lose 'confidence' or 'self-respect' by education or simply by indoctrination, no matter whether they are social superiors or inferiors. [115] Similarly, in instrumental arguments about the negative effects of USR, there is generally a

[114] One example is Rawls's 'social bases of self-respect.' In his discussions of the 'original position,' Rawls argues that 'social bases of self-respect' is on the list of primary goods. Without the 'social bases of self-respect,' citizens may lack confidence regarding their social position and may fail to realise their conception of the good (Rawls 1999: 54, 2001: 59-60).

[115] The Confucian civic education may play a role in helping citizens get 'confidence' and 'self-respect.' This topic will be discussed in Chapter 6.

presumption of the negative effects involved in a concern independent of the concern for USR. It may be difficult to prove that this independent concern sufficiently or necessarily implies a concern for USR. One might argue that 'USR is a bad thing' is simply symbolic. However, one is still required to explain the meaning of the 'badness of USR.' This issue is analogous to the problems discussed above regarding the difficulty in clarifying the meaning of ESR, i.e., in relation to the topic of a just distribution of substantive goods.

5.23 Early Confucian Views of Social Equality

Some may argue that ESR is valuable for its own sake, rather than as a means to substantive goods or some other things. In other words, the reason why ESR is worth pursuing is not that ESR brings people substantive goods, including psychological satisfaction, but rather because it is intrinsically valuable for people to treat one another as equals. Therefore, even if Confucian *Ren* statespersons are capable of bringing their citizens substantive goods, and they have less access to substantive goods than others, there are still some good reasons to avoid giving the Confucian *Ren* statespersons more political influence than others. CMD appears to fall short in its ability to facilitate the equal treatment of citizens, as CMBs assume differences in the actual quality of the citizens; such as intellectual and moral virtues. In CMD, those who have superior qualities, or better meet the requirements of *Ren*, are likely to benefit from especially favourable consideration of their opinions, goals and agendas

However, even if people treating one another as equals is intrinsically valuable, this does not mean that ESR requires equality of capacity or virtue among the citizens, such as intelligence, knowledge, strength or beauty. Nor does it mean giving equal consideration to different personal qualities. Certainly, in one's daily life, one is not morally required to treat everyone equally purely because it is intrinsically valuable to do so. Moreover, people do not generally think that everyone is equally attractive. An unknown film actor cannot blame being treated unequally, purely because his or her salary is less than that of Tom Cruise. Tom Cruise cannot blame the inequality that prevents him from competing at the Olympic Games.

In reality, it is perfectly acceptable to acknowledge someone's intellectual or physical superiority, and further respect or love them more than others because of such superiority.

What is more common in one's daily life is that one generally shows more considerations to those with whom one shares close relationships, such as one's children or parents. Francis Fukuyama uses the word 'patrimonialism' to refer to this biologically rooted 'human propensity to favour family and friends' (Fukuyama 2011: 17).

Fukuyama defines 'patrimonialism' as a kind of political recruitment based on two important principles: kin selection and reciprocal altruism. Natural human sociability is centred around these two principles. Fukuyama explains:

> The principle of kin selection or inclusive fitness states that human beings will act altruistically toward genetic relatives (or individuals believed to be genetic relatives) in rough proportion to their shared genes. The principle of reciprocal altruism said that human beings will tend to develop relationships of mutual benefit or mutual harm as they interact with other individuals over time. Reciprocal altruism, unlike kin selection, does not depend on genetic relatedness; it does, however, depend on repeated, direct personal interaction and the trust relationships generated out of such interactions. (Fukuyama 2011: 439)

Fukuyama contends that patrimonialism might be more common in traditional societies, but that as a natural form of social relationships, it will always re-emerge; especially when modern impersonal institutions decay. For Fukuyama, patrimonialism plays a negative role in the development of a better human society. However, for early Confucians, this natural human propensity to show more consideration to those with whom one shares a more intimate relationship, is a necessary requirement for a harmonious society. Early Confucians contend that this tendency is also one of the requirements of *Ren*.

> Mencius said, 'The wise people know everything, but they first consider what is urgent at present. The people of *Ren* love everyone, but they give priority to their relatives and to the virtuous. Even in the cases of Yao and Shun (Both ancient Confucian *Ren* statespersons), their wisdom did not extend to everything, but they earnestly attended first to whatever was of great importance. The *Ren* practices of Yao and Shun did not involve loving everyone equally, but they earnestly cared for their relatives and those who are virtuous. (*Mencius* 7A46)

Early Confucians propose '*ai you cha deng* 愛有差等 (gradation of love)' as the primary principle of practising *Ren* (*Mencius* 5A5). [116] This principle requires one to extend love and respect to one's fellow citizens in different degrees; according to their different moral capacities, and the relationship one shares with them.

> Mencius said, 'Confucian *Ren* statesperson cares about all living things without practising *Ren* toward all of them and practices *Ren* toward all human beings without being affectionate to all of them. Because he is affectionate toward his relatives, this is what allows him to practice *Ren* toward all other citizens, and then to further love all other creatures.' (*Mencius* 7A45)

Mencius distinguishes between '*Ai* 愛(caring),' '*Ren*仁' and '*Qin*親(affection).' These three feelings or sentiments are all exercises of love, but they have each different degrees and objects. 'Love' in Confucianism is different from the 'love' in Western ideas of 'universal fraternity,' even though both 'love' could mean love of all human beings. For early Confucians, love can be an exercise of caring, an exercise of *Ren* or an exercise of affection; depending on the specific situation. When love is an exercise of *Ren* to all human beings, it would be broader than when it is an exercise of *Qin*親 (affection) to relatives and narrower than when it is exercised as caring *(Ai* 愛) about all creatures in the world.

Early Confucians believes that Confucian *Ren* statespersons should ultimately extend love to all human beings. Loving all human beings is the extension of and should start with loving one's relatives (exercise of *Qin* 親). Precisely on account of this extension of love, Confucian *Ren* statespersons should eventually be able to treat strangers as though they were their family members and love all creatures on earth.

More precisely, on the one hand, this Confucian idea of 'extension of love' reflects the early Confucian acknowledgement of the natural sentiments of all human beings. This nature sentiment leads people to care more about those who have a close relationship with them. Here, it is important to emphasise that the concept 'natural sentiment' does not

[116] There was a debate about 'gradation of love' between early Confucians and other early Chinese philosophers. For example, Mencius criticises Yang Zhu's egoism and Mozi's 'universal love.'

imply some kind of universality or determinism. This term merely alludes to the emotions human beings feel towards their relatives, regardless of any influence exerted by their own individual cultural background.

On the other hand, this 'extension of love' also reflects the requirements of *Ren*, i.e., it requires people to extend their narrow '*Qin* 親(affection)' to universal love. In classical Confucianism, such 'extension' is one of the fundamental principles for ruling the state. Mencius famously advocates:

> Treat the elders with reverence in your own family, and extend it; so that the elders in other families shall be similarly treated. Treat the young with kindness in your own family and extend it; so the young in other families shall be similarly treated. Do this, and you will find it as easy to rule the world as to roll something on the palm of your hand. (*Mencius* 1A7)

The Book of Poetry (Shijing 詩經) (one of the Five Confucian Classics) says,

> He (the sage ruler) set an example for his wife
> Then extended it to his brothers
> And from there to his fellow citizens, to protect the whole state.

This poem shows that the sage ruler (King Wen of the Zhou dynasty) extended his love from his relatives to others.

> Mencius said, 'If the ruler were to extend his love to his citizens, this would be enough for him to be able to protect the state; if not, one would not even be able to protect one's own wife and children. The reason why the ancient sage rulers greatly surpassed others was for no other reason, but the fact they were good at extending their love.' (*Mencius* 1A7)

This Confucian idea of the 'extension of love' has influenced East Asian countries for more than two thousand years. It also plays a major role as an organising principle of the social structure in China and some other East Asian countries. A prominent Chinese social

scientist Fei Xiaotong 費孝通 describes Chinese society as '*Cha Xu Ge Ju* 差序格局,' a term which is usually translated as 'differential model of association.' Fei points out:

> In Chinese society, the most important relationship-kinship is similar to the concentric circles formed when a stone is thrown into a lake. Kinship is a social relationship formed through marriage and reproduction. The networks woven by marriage and reproduction can be extended to embrace countless numbers of people in the past, present, and future…Despite the vastness, though, each network is like a spider's web in the sense that it centres on oneself. Everyone has this kind of a kinship network, but the people covered by one network are not the same as those covered by any other…In our kinship system, we all have parents, but my parents are not your parents. No two people in the world can have entirely the same set of relatives. Two brothers certainly would have the same parents, but each brother would have his own wife and children. Therefore, the web of social relationships linked with kinship is specific to each person. Each web has a self as its centre, and every web has a different centre. (Fei 1992: 63)[117]

Fei further argues that this characteristic of Chinese society is mainly the result of the influence of Confucian moral requirement of the practice of *Ren*——'exercise self-discipline and return to *Li* (rituals) (*ke ji fu li* 克己復禮)' This term has been discussed in Chapter 2 and Chapter 4

> The Master Said, 'To exercise self-discipline and return to *Li* is *Ren*. If a man can for one day subdue himself and return to *Li*, all under Heaven will ascribe *Ren* to him. The practice of *Ren* is something that must have its source in a man himself and cannot be got from others.' (*Analects* 12.1)

Fei contends that '*ke ji fu li* 克己復禮,' which is the key moral requirement of *Ren* for those who wish to exercise *Ren*, is 'the starting point in the system of morality inherent

[117] Fei's discussions on kinship lineage resonate with the views of many other scholars, see Huang (1985), Burns (1988), Rawski (1979), Crook and Crook (1979). However, most of these scholars are more interested in the socioeconomic influence of the kinship lineage. As Esherick and Rankin say, 'We see lineage not just as a kinship organisation but as a socioeconomic institution growing out of elite strategies to maintain local power' (Esherick and Rankin 1990: 317).

in the Chinese social structure' (Fei 1992: 74). As Zhu Xi 朱熹 (one of the most prominent Confucian scholars in the Song dynasty) explains, '*ke ji fu li*克己復禮' requires one to overcome one's private desires to assert one's own self-interest and act only according to the common good, then one will consider not only the interests of oneself or one's relatives or one's friends, but also show consideration to the interests of other citizens (Zhu [1190]2010: 131-132). [118]

If this is so, then early Confucian ideas about 'extension of love' from one's relatives to strangers are actually quite different from Fukuyama's patrimonialism; even if they are both compatible with the view that human nature includes a biologically rooted selfish impulse. Patrimonialism is potentially objectionable as it may lead to cronyism or nepotism. However, the 'extension of love' is focused on self-discipline, and is often understood as requiring everyone, especially the rulers to extend their love of their own family to the other citizens of the state.

In addition, even though the 'extension of love' presumes that people always give priority to the interests of those with whom they have a close relationship, 'extension of love' is actually based on the early Confucians acknowledgement of the 'empathetic or altruistic' nature of human beings. As discussed in Chapter 4, early Confucian opinions on human nature include the view that every human being has equal innate capacities, and that every human being can and ought to be cultivated to be altruistic enough to sacrifice their self-interest for the well-being of others. Mencius uses the example of a child falling down a well to prove that the potential capacities for empathy and altruism are part of human nature. When seeing a child falling down a well, any human being, without exception, immediately feels a sense of alarm and compassion, and wishes to save the child, even if he or she has no personal relationship with that child (*Mencius* 2A6).

Early Confucians would agree that it is not necessary for citizens to enjoy equal social statuses. Nor is it any more necessary to treat one another as social equals. This is because in reality most citizens have different actual physical, intellectual and moral capacities, as well as different social roles. However, they would insist that all citizens should enjoy

[118] There are many different interpretations of 'Return to Ritual (*Fu Li* 複禮).' This thesis adopts Zhu's view and explains 'Return to Ritual' as obeying the nature of ritual which means that in all situations, one acts in accordance with the common good (Zhu [1190]2010: 132).

equal moral concern; since every citizen, in principle, is in possession of equal potential capacities. This will be further explained in the rest of this thesis. For now, it is sufficient to note that early Confucians believe that one ought to treat the morally legitimate interests of every human being equally, rather than focusing merely on the equality of less essential factors, such as social roles, social status or social relationships.

For early Confucians, social equality is and ought to be 'relational.' Both as a fact and as a value judgement, the relational character of social equality means that citizens are social equals only when they all play the same social roles and share the similar social relationships with others. Therefore, social equality is rare in reality, and almost every citizen has social inferiors and social superiors. However, some of one's less fortunate social inferiors are those who are worse off on account of brute luck, through no fault of their own. Everyone has a 'non-relational' duty to compensate them and to extend one's love from one's relatives to them, and finally to treat them similarly to those with whom one shares a close relationship.

To sum up, P1 (see Section 5.13), which states that social equality is of great value to citizens and that equal social relationships are worth pursuing and necessary for citizens, is not self-evident. This is because P1 ignores the complexities involved in defining ESR, confuses the desirability of ESR in theory with the necessity of ESR in practice, and fails to consider the importance and value that people often attach to their various social roles.

Early Confucian views of social equality which is founded upon the 'extension of love' may be practically and theoretically more acceptable than the views of social equality that is expressed by P1. In practice, early Confucian views of social equality respect the value that most citizens attach to their diverse social roles in their family, school, company and various communities. Although most of these social roles only exist in hierarchical social relationships, they provide citizens with meaning, orientation, and the possibility of a fulfilling life. From a more theoretical perspective, the early Confucian idea of 'extension of love' acknowledges that the natural sentiment of human beings, which includes both selfish impulses as well as potential capacities for empathy, deeply influences human behaviours in dealing with various social relationships. Therefore, such 'extension of love' encourages citizens, especially the rulers, to extend their love of their own family to other citizens in the state. Also, it treats citizens with unequal social status as moral equals by

recognising their equal potentiality (This will be further elaborated in the following sections).

However, one possible way of defending P1 from the criticism above is to claim that ESR is only concerned with 'agent-neutral' relationships. By contrast, the 'gradation of love' and 'extension of love' in early Confucian views of social equality are all 'agent-relative.' One might further point out that even if the practice of ESR is related to some specific or accidental qualities or roles of the citizens, the meaning of ESR only considers the citizens and their qualities, roles or substantive interests in a general collective sense. The analysis of different attributes, roles and substantive goods of individuals in specific situations is thus of little relevance to the definition of ESR.

Such an explanation appears to provide a free-standing and 'thin' account of the meaning of ESR, which may avoid most, if not all of the problems derivable from P1 that was discussed above. However, if the definition of ESR is only concerned with 'agent-neutral' relationships, and if it thereby avoids focusing on the various roles, interests and substantive goods of individuals in specific situations, it is less relevant and applicable to the arguments for some specific, 'agent-relative' situations. These situations include those where 'rulers and ordinary citizens should not have unequal influence over the process of making political decisions.' Any lack of clarity on this 'agent-neutral' account of the meaning of ESR would risk causing further confusion about the role ESR plays in the justification of the normative democratic principle of political equality. In other words, defining ESR in an 'agent-neutral' way does make P1 more clear and acceptable in theory. However, such an approach risks deriving the concern for ESR of any logical relationship to the concern for political equality.

5.3 Social Equality and Political Equality

Let us provisionally put aside any theoretical or practical problems with P1, including those about the meaning and importance of ESR, and merely assume that social equality is of great value to people and that there are compelling reasons to pursue ESR. The next question relates to whether P2 is self-evident: does the value of social equality apply to political equality? More precisely, does a concern for ESR imply a concern for equal influence over the process of making political decisions? Or is equality of political influence a sufficient or necessary condition for ESR?

It is possible to immediately answer that political decisions do, to some degree, condition the social relationships of the citizens. Because of this, having more influence over the process of political decision-making means having greater influence over the social relationships of the citizens. Therefore, the ESR of the citizens is threatened by their unequal influence over the political decisions that affect them. However, the problem with this answer is that it is also possible that in some scenarios, such as in CMD, the creation and preservation of ESR are protected and promoted in the context of a substantial inequality of influence over political decisions. This will be discussed in detail below.

Another possible answer is that political decisions, by their very nature, have an authoritative influence over citizens (as discussed in Chapter 3). Therefore, having more influence over the process of making political decisions means exercising a higher degree of authority over others; this logically leads to USR.

However, in daily life, citizens often make many non-political decisions in their family, school or workplace. Any influence they exercise over these non-political decisions also entails authority over others and leads to certain kinds of USR. Most citizens generally do not feel that there is an analogous requirement for ESR to have an equal influence over the process of making such non-political decisions. Thus, even if unequal degrees of influence over some non-political decisions leads to USR, such influences and decisions are not in themselves objectionable, as long as most citizens feel such inequalities are acceptable for the sake of other goods. For example, it is not necessary for children to have as much influence on their own educational trajectory as their parents and teachers. It is also widely accepted that children need to be disciplined by their parents and teachers; otherwise, they will go astray. Very few would insist that workers and managers should exercise an equal degree of influence in the creation of production plans. Workers on production lines need to follow the instructions of their managers; otherwise, production will be less efficient, and the workers will lose their jobs.

This being so, then it is necessary to inquire: what makes political decision-making a special and distinct form of decision-making? What is the difference between political decisions and non-political decisions? Why is unequal influence over political decisions troubling to so many citizens, while unequal influence over many non-political decisions

does not? Especially if there are also many other citizens who are actually willing to accept unequal influence over political decisions, for the sake of other goods.

One might firstly answer that political decisions have greater ongoing effects on the lives of the citizens than non-political decisions. Also, citizens cannot terminate the effects of such decisions as they wish, not unless they are prepared to pay an intolerable price. In other words, the difference between political decisions and non-political decisions is that people's subjections to non-political decisions are often of voluntary nature; while people's subjections to political decisions are not. For example, workers often have less influence over regulations than their managers. If they feel this is disadvantageous to them, they may voluntarily quit their job, in order to avoid being continually exploited by their managers. By contrast, it would be much harder for citizens to voluntarily change nationalities in order to stop being oppressed by their government. It can thus be said that the requirement of 'equal influence' need not be as stringent for political decisions, as when applied to non-political decisions; this is because citizens usually have much more suitable options to easily terminate the effects of non-political decisions than that of political decisions.

However, some voluntary non-political decisions, such as a voluntary abortion, may also carry significant costs for the citizens subject to them. Any attempt to distinguish political decisions and non-political decisions in terms of the relationship of such decisions to voluntariness and cost appears misguided. Moreover, such a focus on voluntariness merely implies that it matters whether it costs a lot for citizens to voluntarily avoid the negative implications of some decisions. Thus, the higher degree of freedom one possesses to terminate the effects of a decision, the less trouble would one feel having less influence than others over such decision. So, the stringency of the requirement of equal influence is relevant to the issue of how far certain decisions engage or constrain the will of an individual, rather than of whether the decisions are political or non-political. Therefore, it seems that focusing purely on the issues of voluntariness and of the cost of exit or noncompliance may not suffice, in themselves, as means of making an adequately clear distinction between political and non-political decisions. What is required is a more compelling account of how degrees of voluntariness can be mapped into a distinction between political decisions and non-political decisions.

Another answer is possible, as to what the distinguishing features of political decisions may be. One might suggest that political decisions have a certain kind of final authority which non-political decisions do not have. If one disagrees with some non-political decisions, and one also lacks any meaningful influence over such decisions, one can always turn to the courts or governments to help issue political decisions which can nullify or override such non-political decisions. By contrast, if citizens disagree with some political decisions over which they have no influence, it is extremely difficult for them to get any help to make a change. On account of the 'final authority' status of political decisions, one might further argue that if citizens have equal influence over political decisions, they are in a position to indirectly moderate or even eliminate the USR caused by unequal influence over non-political decisions.[119]

However, there may be a problem here. Most political decisions can also be overridden by other 'higher' political decisions which have more political authority. So, who or what institutions can issue the highest or the most authoritative political decisions? In most, if not all, democratic societies, the Supreme Courts are in a position to do so. However, the Justices of the Supreme Courts are usually not democratically elected, but meritocratically selected, according to the various qualities and experiences of the candidates. [120]Such a meritocratic selection process and the power or authority of the justices indicate that in some situations, certain kind of unequal political influence can even be exerted over a 'one person, one vote' system. For example, in 2000, the Justices of the Supreme Court of the United States made a decision which resolved a dispute over the result of the US presidential election.[121] In this situation, the Justices have much more political influence than other American citizens. Such inequality of political influence, which establishes the Supreme Court as the 'final authority,' ultimately safeguards the 'one person, one vote' system.[122]

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[119] Joshua Cohen and Rawls both argue for equal basic liberties and equal citizenship, which make other social inequalities more acceptable; as Rawls contends, 'When the principle of participation is satisfied, all have the common status of equal citizen' (Rawls 1999: 227, Cohen 1997: 120-121).

[120] In the US, the nomination of the Justices of the Supreme Courts needs to be approved by the representatives. The president and these elected representatives are able to exert a high degree of influence over the selection process used to pick the justices. In this process, merit is the primary consideration. In most cases, only judges with years of experience at various levels of the judiciary are considered to be qualified candidates for nomination.

[121] See Bush v. Gore, 531 U.S. 98 (2000). The Supreme Court ruling was founded mainly on the 'Equal Protection Clause.'

[122] Some might argue that even the decisions of a constitutional court can be overruled by amending the constitution in a referendum. However, such referendum is rare and requires a supermajority (two-thirds

One may assert that the difference between political decisions and non-political decisions is not about final 'political authority,' but about 'political power.' The implementation of political decisions is backed up by political power; while the implementation of non-political decisions is not. Those who are not willing to comply with the political decisions may face the threats of coercive or oppressive force. This kind of force significantly affects interpersonal relationships and is the most obvious cause of USR.

While, just like political authority, there are also different levels of political power. The key question to ask is: who or which institution has the highest degree of political power? Which institution has both the capacity and authority to control all other political power in the country? Especially from a practical point of view, it is unclear whether there are or should be equal degrees of influence over this highest political power.[123]

It is now time to return to the question about P2 mentioned at the beginning of this section. Does a concern for ESR imply a concern for equality of political influence? In order to answer this question, it is necessary to sum up the findings so far. If one considers the commonplace realities of daily life, it is unclear why the pursuit of ESR should require equal political influence, rather than equal non-political influence. It appears that the equality of political influence is neither sufficient nor necessary for fulfilling the imperative of ESR. On the one hand, it is unclear whether the equality of political influence can ensure ESR, if those who are politically equal to others have far greater influence in many non-political domains. Indeed, even an ideal democratic state which guarantees the equality of political influence among all citizens has the potential to end up in a USR scenario. This is because it is possible that voters, including many of the reasonable citizens, will vote for policies that preserve USR for the sake of some particular goods. Such goods include but are not limited to social order, the self-fulfilment found in serving in a high status social role, and the protection of the established interests from competition. All these goods can only exist in the context of social inequality. On the other hand, the controversial role of the Supreme Court in modern democracies shows

majority), which makes it rather difficult to change the constitution. Moreover, for the purpose of protecting social equality, the justices may play a more crucial role than those delegates.

[123] In the US political system, the three branches of government are supposed to check and balance one another, and the legislature was viewed as the most powerful branch (as described in the Constitution). However, in reality, the executive branch (especially since Abraham Lincoln) and the judicial branch (some decisions are very political, such as those about desegregation, marriage and abortion) have assumed more power.

that inequality of influence over the 'highest' political decisions can even contribute towards protecting ESR, rather than undermining it.

5.4 Political Equality and Democracy

Let us put aside the doubts expressed above regarding P2 and just assume that the value of social equality applies to political equality, and that the equality of political influence is a sufficient and necessary condition for ESR. It is now P3 that awaits clarification: modern democracy ensures equality of political influence among the citizens. As will be discussed below, the institutional arrangements in modern democracy may not be sufficient to ensure that every citizen has an equal opportunity for direct or indirect political influence.

5.41 Direct Political Influence

It is often argued that 'one person, one vote' in a modern democracy gives every citizen an equal opportunity to directly participate in the process of political decision-making. Such a system precludes any kind of selective disenfranchisement, premised upon the differences of moral and intellectual capacities of the citizens. Thus, as far as the equality of direct political influence is concerned, it appears that in comparison with CMD, democracy does better ensure the equality of direct political influence among citizens.

However, some scholars point out that in 'one person, one vote,' the citizens of persistent minorities have less political influence than others (Buchanan 2004: 361, Still 1981: 379-380, Beitz 1989: 10-11). For example, Steven Lee argues that those in the voting minority only have potential political equality. 'Given the particular constellation of interests among voters that results in certain individuals being constantly in the voting minority, the actual influence of those individuals is clearly not equal' (Lee 2001: 124-136).

Moreover, in political practice, there are various scenarios in which voters may lose their direct political influence (Estlund 2008: 182, Arneson 2009: 197-212, Wall 2007). As discussed in Chapter 3, it may simply take too much leisure time for one to vote, or it may cost too much money. Some may not be willing to vote because they know that one's

single vote is not of decisive importance in a large democracy. [124] In such case, one might not be adequately motivated to seriously participate in the process of political decision-making; especially when it is difficult and costly to get informed in a fast-changing, complex modern society. Russell Hardin contends that if citizens are rational, they neither have, nor ought to, have any reason to vote (Hardin 2002: 220).

5.42 Indirect Political Influence

Leaving aside the question of direct political influence, it is also extremely difficult for modern democracies to ensure that most citizens enjoy an equal degree of indirect political influence. Many political philosophers believe that inequality of indirect political influence, which usually concealed behind the institutional arrangements of a country, is just as threatening to political equality as inequality of direct political influence (Rawls 1999: 225-227, Rawls 1996: 12, Dahl 1998: chap.14, Singer 1973, Cohen 2001: 47-80, Christiano 1996: chap.3, Brighouse 1996: 118-141, 1997: 155-184).[125]

Broadly speaking, equality of indirect political influence requires an equal availability of various resources, such as leisure time and wealth. As discussed in Chapter 3, these resources represent important ways of acquiring political information in countries governed by democratic procedures. Acquiring reliable and comprehensive political information comes at a very high cost in today's large democratic countries. It may easily happen that rich and powerful citizens have more opportunities than the poor to get more reliable and comprehensive political information. If there exists a given disparity of political information about how to make political decisions that correspond with one's own political attitudes, this is a clear case of inequality of indirect political influence. It is perfectly conceivable that a disparity of political information might partly explain the decision of many American citizens to elect Donald Trump as the president of United States. It is highly likely that Trump was in a position to know the political attitudes of most American citizens by buying information from consulting companies, such as Gallup, whereas most American citizens only had knowledge of their own political attitudes.

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[124] As discussed in Chapter 4 and will be further elaborated upon in the following chapters, one vote almost makes no difference in a large democratic state, especially when there are millions or more voters.

[125]For most Western political philosophers, the formal inequality of political influence is more likely to bring about USR and may be more objectionable than USR itself.

Moreover, most citizens usually lack either the means or the incentives to search reliable and comprehensive information regarding which candidates or which political decisions would be best. At the same time, there may be easily available but distorted or low-quality political information, which makes the political decisions that are actually in the interests of the powerful look like the best choices for the worst-off.[126] For example, it is possible for a figure like Donald Trump to influence the political preferences and beliefs of American citizens by interfering with the independent political broadcasts, publishing fake news on social media, or affecting the quality of the political information available to American citizens.

This would result in another kind of inequality of indirect political influence, i.e., where one is in a position to indirectly manipulate the political judgements of other voters and delegates, because one possesses certain effective means of convincing them to change their mind.[127] In other words, the reasons behind the political judgements of the voters and delegates are deliberately influenced by someone else's political attitudes, and are not the result of free and autonomous political reflections on the part of the voters. For example, in modern democratic elections, it is possible for the rich and powerful to control the media presentation of candidates and the positions they run for, and to influence popular beliefs about these candidates and their political views. [128] By having more opportunities to influence either the votes of others or the decisions of delegates, the rich and powerful often have more indirect political influence than the poor.

Martin Gilens has conducted a series of empirical studies about the policy preferences of American citizens at different income levels. These studies also consider how such preferences are connected to the actual policies enacted in Washington. Gilens has demonstrated that in most cases, the American government only respond to the preferences of the most affluent citizens. The preferences of the majority of Americans

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[126] In modern societies, it may not be easy to restrict access to political resources. However, politicians still have various means of distracting other citizens. Some of them even can inject distorted political information into public discourse.

[127] Aristotle recognised that the wealthy could abuse a corrupting power by tempting other citizens to embrace a life aimed at acquiring unlimited wealth, and the shallow pleasures that accompany wealth, at the expense of living well. This helps which helps to explain why he argued that the best possible regime would deprive traders of citizenship (Ober 2001).

[128] There are various means by which one might endeavour to 'buy' voters. For a discussion of 'one dollar, one vote,' see Satz (2010: 102).

appear to have almost no political influence on the policies adopted by Congress or the president (Gilens 2012: 1). Jacob Hacker and Paul Pierson also notice that the policies in America always favour those with high income, because the rich can influence the public officials, and even determine the laws and regulations in corporate and financial sectors. Therefore, 'the rules of American politics and the American economy in ways that have benefited the few at the expense of the many' (Hacker and Pierson 2011:6). In his book, *Unequal Democracy: The Political Economy of the New Gilded Age*, Bartels claims that the past 35 years have witnessed a remarkable increase in equality, which is the result of political decisions made by a democratic system that is both deeply influenced by, and particularly receptive to, the will of the rich and partisan desires of the powerful (Bartels 2009).

Even if the above problems of the unequal indirect political influence of this kind are already widely recognised, it is extremely difficult to avoid these problems in a modern democratic society. On the one hand, the ever-increasing division of labour and deterioration in economic equality risks making it increasingly difficult for some citizens who are neither powerful nor wealthy to acquire opportunities for indirect political influence (Schumpeter [1943] 2003, Downs 1957). On the other hand, politicians who are aiming to sway votes will not have much of an incentive to help these citizens get such opportunities.[129]

Therefore, in reality, the equality of indirect political influence may be unachievable, or at least impossible to be achieved at any tolerable cost. Because of such inequality of indirect political influence, many voters may actually lack any motivation for participating in public affairs. As Jason Brennan argues:

> Citizens are rationally ignorant. Individual citizens have almost no power over government, and individual votes have almost zero expected utility. Thus, political knowledge does voters little good. Acquiring knowledge is costly and difficult. If you knew that your vote is likely to be decisive, then you would invest time and effort into acquiring political knowledge. However,

[129] In modern societies, it may not be easy to restrict access to the various political resources facilitating political reflections, in order to ensure that politicians alone possess these.

> when you realise that your vote makes no difference, you probably decide not to bother. (Brennan 2011a: 165)

As discussed in Chapter 4, some deliberative democrats may advocate political deliberation, by which citizens can become better educated, and more willing to participate in politics. However, Diana Mutz's empirical studies show that certain conflicts exist between deliberative democracy and political participation. On the one hand, the citizens who are willing to participate in politics do not deliberate much. Since the source of the motivation for their political participation is usually the 'conversation among like-minded people.' This kind of conversion is detrimental to deliberation, as it encourages and reinforces the biases of the citizens, thus discouraging compromises. On the other hand, deliberation encourages compromise, while simultaneously dampening citizens' enthusiasm for winning over the other side. Therefore, successful political deliberation generally makes citizens less willing to participate in politics (Mutz 2006: 127-128).[130] Brennan summaries Mutz's points of view and argues that 'the people who are most active in politics tend to be cartoon ideologues. The people who are most careful in formulating their own political views and who spend the most time considering contrary views tend not to participate in politics' (Brennan 2012: 24).

According to the discussions above, it is to some extent legitimate to say that it is extremely difficult for democratic procedures to ensure equal direct or indirect political influence of the citizens. This is either because most citizens lack the leisure time, political competence and motivation to make reasonable decisions in their direct political participation, or because they do not possess equal opportunities either to acquire reliable political information or to influence the votes of others.

5.43 No Decisive Political Influence.

One may argue that democracy can guarantee equality of political influence by giving no one any decisive political influence in the process of political decision-making. For, as discussed in Chapter 3 and Chapter 4, modern democratic elections or referenda usually involve millions or more voters, and the decisive difference usually lies in a few thousand

[130] Mutz points out that 'the prospects for deliberative democracy could be dwindling at the same time that prospects for participation and political activism are escalating' (Mutz 2006: 127).

votes or more. Therefore, one single vote may not have any political decisiveness to make a difference. In some very unusual cases where the majority that wins by one single vote, one single vote does make a huge difference, but even here, every citizen from the majority only has contributory influence, rather than any decisive influence on the final political decisions.

Therefore, some might argue that every citizen in a modern democratic society has equal political influence, exactly because no single citizen has a decisive influence on the final results of the democratic process of political decision-making. Some may further contend that political equality is kind of negative equality; every citizen does indeed have 'equal' political influence, insofar as he or she is not specifically discriminated against in the process of political decision-making. In such a case, the normative democratic principle of political equality is founded upon *non-discrimination*. This is distinct from a positive version of equality, which would imply an equal degree of access of resources that can assist one in exerting one's political influence. This 'negative' understanding of political equality plays an important role in many modern political philosophers' non-instrumental arguments for the superiority of democracy (Beitz 1989: 113, Rawls 1999: 221, Estlund 2008: 20, 195-198). However, there are some problems with this 'negative' understanding of political equality.

Firstly, it appears that this 'negative' understanding of political equality only focuses on the intrinsic value of equal participation in making political decisions rather than any substantive results. It is thus unclear why 'one person one vote' would violate the value of political equality if it lets the minority win.[131] For, if what matters to political equality is equal participation rather than the results of voting, every citizen has equal political influence so long as every citizen does indeed possess an equal opportunity for political participation. Thus, even if the minority won rather than the majority, the citizens in the minority would not accrue any greater degree of political influence than those in the majority.

Moreover, this 'negative' understanding of political equality may make 'the scheme of plural votes' that John Stuart Mill proposes less anti-democratic (Mill [1861] 2010: chap

[131]Peter Jones contends that letting the minority win would violate political equality as it gives more 'weight to the vote of each member of the minority than to the vote of each member of the majority' (Jones 1983: 160).

8). Even if those who are well-educated have one addition vote, they will not have a greater political influence than others. By way of *Reductio ad absurdum*, it can be said that rule by lottery was just as reasonable as democracy; since a system of making political decisions by lottery does not bestow any decisive political influence on any particular individual citizen either.

Secondly, according to this 'negative' understanding of political equality, every citizen, no matter whether the citizen belongs to the majority or the minority, has an equal decisive political influence of zero. However, in practice, most citizens are not merely concerned with their own political influence, but also with the political influence exercised by the group to which they belong. In modern democracies, the minority as a whole has less decisive political influence than the majority. Thus, the citizens who belong to the minority may have reason to believe that they enjoy a lower degree of decisive political influence than others, regardless of whether or not this is indeed the case.

Thirdly, such a 'negative' understanding of political equality risk conflicting with instrumental arguments for the superiority of democracy. For, the latter arguments entail the view the political influence of the majority of the citizens is highly likely to facilitate certain substantive good results. Now it seems that democracy would be a less reliable guardian of political equality where the results of democratic elections or referenda were the result of the decisive influence of a certain fraction of voters.

5.44 Equality and Freedom

One possible counterargument to the foregoing is that democracy does not meet the requirements of political equality merely by guaranteeing every citizen an equal chance to participate in the process of political decision-making. In addition, democracy also ensures that the political attitudes of every citizen have an equal chance to be satisfied by the democratic process of political decision-making or 'one person, one vote.' However, as already discussed above, it is much more difficult for democracy to accomplish the latter imperative than the former. Even if it is assumed that in an ideal democracy, all citizens enjoy an equal probability of getting satisfactory results that correspond with their political attitudes, one will find that many citizens are not fully free when they make their own political decisions in 'one person, one vote.'

This problem can be clarified in a debate between Thomas Nagel and John Rawls about 'equality' and 'freedom.' Nagel points out that those conceptions of the good in Rawls's well-ordered society are not neutral. Some conceptions may be less preferable than others (Nagel 1973: 220-234). Rawls responds that this is absolutely fair to citizens since it is the result of the freedom of the citizens in pursuing their own conceptions of the good (Rawls 1975: 536-554).

The political attitudes of the citizens are often influenced by different conceptions of the good. If such political attitudes all have an equal opportunity to be satisfied, then the citizens may be bound by some distinctive judgments or ideologies in their equal participation in the process of political decision-making. This is unfair, at least from Rawls's perspective. For, if citizens are absolutely free when making political decisions in 'one person one vote,' then some political decisions that satisfy certain political attitudes will always enjoy the higher possibility of adoption than others. However, this may inevitably end up giving those citizens who favour such political attitudes a higher degree of political influence.[132]

5.45 Rule of Law

One might argue that in modern democracies, it is not the 'one person one vote,' but the 'rule of law' that guarantees political equality because of the regularity and impersonality of the laws (Ripstein 2010). Nagel claims that only laws can justify equal treatment; because only by means of laws, is it possible to secure political conditions of equal opportunity, respect, and concern (Nagel 1995: Chapters 4, 7, 10). It is laws that have a decisive political influence. No citizen has more decisive political influence than others, as every citizen is supposed to obey the laws. Every citizen is equal in the eyes of the laws.

However, it is still necessary to have someone who can enact, interpret and enforce the laws. For example, in today's representative democracies, most laws are passed and implemented not by 'one person, one vote,' but by elected representatives and

[132] The debate between Thomas Nagel and John Rawls about 'equality' and 'freedom' will not be discussed in detail in this thesis. On this topic, see Cohen (1995).

government officials who often have greater influence over the enactment, interpretation and implementation of such laws than other citizens.

One might attempt to defend representative democracies by arguing that even though representatives and government officials enjoy a higher degree of greater political influence in the legislature, they are not at all socially superior to their fellow citizens. Representatives and officials are merely delegates to the other citizens. Their power to make political decisions on behalf their fellow citizens need not entail social superiority; rather as doctors, financial advisers, lawyers, accountants and other agents, to whom people delegate various decisions, are not viewed as socially superior to others.

However, further justification is required for the view discussed here: whether or not there is any absolute distinction between political contexts and non-political contexts may need further clarification. In non-political contexts, one often has control over the selection of one's delegates. One can also decide which decisions one will delegate to others. Moreover, citizens always need to sign specific contracts which are protected by laws, with their delegates. By contrast, in political contexts, citizens do not need to sign such contracts, and a citizen alone cannot directly decide who his or her representatives are. Citizens often cannot decide what kinds of political decision they would like to delegate to their representatives. The political decisions, at issue, in addition, are usually too complicated to be under the control of the citizen. It is thus unclear whether the kind of delegation used in non-political contexts can be appropriately extended to political contexts as well.

Moreover, even if we only consider ideal representative democracies where representatives do not just pretend to be 'civil servants,' but indeed only make political decisions according to the political attitudes of the citizens they represent and are socially equal to other citizens; there are other potential problems.

Firstly, it may be difficult to explain why it is necessary to hold elections so often. For, if representatives only make political decisions based on the political attitudes of their constituents rather than their own judgements, then all the representatives who represent the same group of citizens should make the same political decision. Therefore, it should be entirely reasonable to let elected representatives serve their constituents for a very long period.

Secondly, it is not clear why voluntary candidates, who fail to be elected as representatives, should not be deemed as being socially inferior to other citizens. Candidates who fail to secure office are denied an opportunity to pursue their preferred career choice; to some extent, they forfeit the means of pursuing their own rational plans for a flourishing life. Thus, if one were to consider successfully elected candidates as being socially equal to others, then the candidates who fail may somehow risk being socially inferior to other citizens.

Thirdly, the rule of law cannot fully guarantee the equality of political influence and social equality. It has been argued that the rule of law is actually the rule of those who have ultimate authority in the enactment, interpretation and enforcement of the laws. It seems that only when all citizens equally share this ultimate authority can the rule of law ensure the equality of political influence. However, this is almost impossible in modern societies as there is a significant division of labour in enacting, interpreting and enforcing laws.

One might argue that laws are usually enacted and interpreted by one's ancestors with whom one does not have ongoing and current relationships. Thus, one is not socially inferior to those who possess the ultimate legislative authority.[133] However, even if all the laws have been made by one's ancestors, which is never strictly possible in reality, those who enforce the laws are definitely one's contemporaries.

To sum up, it is plausible that P3 is problematic, as modern democracy is limited in its capacity to ensure equal political influence among the voters, both in theory and in practice. However, even if the above discussion of the problems with the three premises (P1, P2 and P3) is convincing, it is conceivable that there may be other plausible arguments, apart from the ones considered in this chapter, for the superiority of modern democracy on account of political equality.

The discussion conducted in this chapter so far only argues that there are some problems with a particular argument for the superiority of modern democracy on the grounds of

[133] Thomas Jefferson's September 6, 1978 letter to James Madison says that every generation should draw up its own constitution, on the grounds that 'the Earth belongs in usufruct to the living' and that 'the dead have neither powers nor rights over it' http://www.let.rug.nl/usa/presidents/thomas-jefferson/letters-of-thomas-jefferson/jefl81.php accessed on September 18, 2015.

social equality, as all the main premises (P1, P2 and P3) pertaining to this argument are not self-evidently true. Specifically, there are theoretical and practical problems with the democratic view of social equality that is expressed by P1. In theory, the meaning of equal social relationship (ESR) needs further clarification; while, in practice, the necessity of ESR may not be widely accepted. Early Confucian views of social equality which is founded upon 'extension of love' may be practically more acceptable and morally more desirable than the democratic view of social equality. This is because early Confucian views of social equality respect the value that most citizens attach to their social roles in a hierarchical relationship. Theoretically speaking, the early Confucian idea of 'extension of love' acknowledges that selfish impulses and empathy both exist in the natural sentiment of human beings; it treats citizens with unequal social status as moral equals by recognising their equal potentiality. According to early Confucian views of social equality, one ought to treat the morally legitimate interests of every citizen equally, rather than focusing merely on the equality of less essential factors, such as social roles, social status or social relationships.

Even if all citizens agree that equal social relationships are of great importance and are necessary for their flourishing lives, they may not have compelling reasons to believe that every citizen should exert equal political influence over the process of political decision-making. Moreover, the equality of political influence is neither a sufficient nor a necessary condition for social equality. Therefore, it is problematic to justify the importance and necessity of political equality on the grounds of social equality. Even if the equality of political influence is of great value to citizens, the superiority of modern democracy is still unclear. This is because a democratic process of political decision-making or 'one person, one vote' is not sufficient to ensure the equality of direct or indirect political influence among citizens, both in ideal and non-ideal situations.

5.5 Confucian Political Equality: Equal Participation in Political Reflections

Even if the above theoretical and practical problems with modern democracy can be solved and a democratic process of political decision-making or 'one person, one vote' is capable of ensuring equal political influence or meeting the requirements of political equality, it is still unclear why CMD must be either objectionable purely because it does not adopt 'one person, one vote.'

5.51 Rule of Ren and Political Equality

CMD does not entail equality of participation in the process of political decision-making, but this does not mean that CMD inevitably fails to meet the requirements of political equality. If someone were to criticise CMD for giving the Confucian *Ren* statespersons more political influence than other citizens, one possible response to such criticism is the early Confucian ideal of 'rule of *Ren*.' I.e., only *Ren* has decisive political influence. The Confucian *Ren* statespersons merely make political decisions in accordance with the requirements of *Ren*, rather than in keeping with their own political attitudes. So, in CMD, the Confucian *Ren* statespersons do not have more political influence because what they do in the process of political decision-making is just to obey the requirements of *Ren* like other citizens. The Confucian *Ren* statespersons and their fellow citizens are all equals before the compelling principle of *Ren*.

One might claim that this answer is not convincing because the rule of *Ren* in CMD is very similar to the rule of law in a modern democracy. If the rule of law, as discussed above, cannot ensure the equality of political influence, how is it possible for the rule of *Ren* to perform this function? Early Confucians might answer that this is because *Ren* is made by Heaven, rather than by any human beings.

As discussed in the previous chapters, in classical Confucianism, *Ren* is created by Heaven (*Tian* 天) and represents the 'Mandate of Heaven' (*Tianming* 天命). Dong Zhongshu, the most prominent Confucian political philosopher in the Han dynasty, states:

> The beauty of *Ren* lies in Heaven. Heaven is *Ren*. Heaven nourishes, educates and establishes all things. Heaven's achievement is endless, and Heaven devotes itself to all human beings. If we consider the purpose of Heaven, we will know *Ren*. We accept the Mandate of Heaven, learn *Ren* from Heaven and become men of *Ren.* (*Luxuriant Dew of the Spring and Autumn Annals Chun qiu fan lu*春秋繁露 44) [134]

[134] Schwartz pays great attention to Dong's ideas about Heaven, for a detailed discussion, see Schwartz (2009).

For early Confucians, the Confucian *Ren* statespersons should follow the Mandate of Heaven. Confucius claims that 'without knowing the Mandate of Heaven, it is impossible to be a Confucian *Ren* statesperson' (*Analects* 20.3). He also states that 'there is no greatness like the greatness of Heaven, only Yao (ancient sage ruler) can follow the Mandate of Heaven' (*Analects* 8.19).

From the perspective of early Confucians, in CMD, the Mandate of Heaven, rather than the Confucian *Ren* statespersons, has the ultimate 'political authority.' That is to say: in CMD, the Confucian *Ren* statespersons are responsible for making political decisions that will influence the well-being of all citizens in the entire country. However, in doing so, they are merely following the Mandate of Heaven, and are making all political decisions in accordance with the requirements of *Ren* rather than with their own personal attitudes or judgements.

It should be made clear at this point that, on the one hand, early Confucians treat the Mandate of Heaven as the primary source or 'unmoved mover,' in their justification of the legitimacy of '*Ren* government' (仁政). On the other hand, early Confucians emphasise that in real political practice, the apparently complicated and ambiguous Mandate of Heaven is manifest in the will of the citizens.

One example of this is a dialogue between Mencius and his student (Wan Zhang萬章). The topic of discussion was about that Shun (舜), an ancient Confucian *Ren* statesperson admired by early Confucians, was given the throne by his predecessor Yao (堯), who is another ancient Confucian *Ren* statesperson. Mencius states that the ruler cannot give the realm to someone else, but can only recommend a person to Heaven. It is Heaven, not Yao, that gave the realm to Shun. Mencius further explains that it is the attitudes of the citizens that ultimately reveal the acts and deeds of Heaven (*Mencius* 5A5).[135]

[135] Wan Zhang asked, 'Was it indeed the case that Yao gave the realm to Shun?' Mencius answered that 'the ruler cannot give the realm to someone,' but can only 'recommend a man to Heaven' and 'put the man in charge of affairs, and affairs were well ordered, and citizens were at peace. This shows that the citizens accepted him.' It is 'Heaven that gave the realm to Shun. And citizens gave the world to Shun' But 'Heaven does not speak but reveals itself through its acts and deeds,' and it is the attitudes of the common citizens that ultimately reveal the acts and deeds of Heaven; That is to say, 'Heaven sees with the eyes of my fellow citizens; Heaven hears with the ears of my fellow citizens.' (*Mencius* 5A5)

5.52 *Requirements of Ren and Social Equality*

One might argue that in appealing to Heaven, the above argument about 'rule of *Ren*' is not convincing; because the meaning of Heaven in classical Confucianism is mysterious, vague and ambiguous.[136] However, even if one were to assume that CMD fails either to ensure the equality of political influence or to meet the requirements of political equality, it is still possible that CMD may itself be unobjectionable. This is because CMD promotes social equality by pursuing moral equality.

As discussed above, on the one hand, early Confucians believe that it is important to acknowledge that most citizens have unequal social status and different capacities. On the other hand, early Confucians also contends that *Ren* requires citizens to treat one another with equal respect. Confucius says:

> As for the requirements of *Ren*: if you want to establish yourself; then help others to establish themselves. You want to be reasonable; then help others to be reasonable. To view the interests of others as your own interests, this is called the Direction of *Ren*. (*Analects* 6.30)

To be more specific, this 'Direction of *Ren*'(仁之方) implies three kinds of requirement for moral equality. The first can be called the requirement of equal concern: one should consider the interests of others to be just as important as one's own, when one promotes one's self-interest.

The second is the requirement of equal rights and obligations: citizens all strive to achieve a flourishing life, during which every citizen should have an equal right to be helped by others as well as an equal obligation to help others.

The final requirement, very briefly put here and to be elaborated upon later, is the requirement of equal innate capacities: citizens all have equal innate capacities, and every citizen should be provided with an equal opportunity to cultivate their innate capacities, so that every citizen has an equal opportunity to become reasonable.

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[136] For more detailed discussion about Heaven in Confucianism, see Yao (2000: 139-149).

In short, the 'Direction of *Ren*' requires one to assist others in cultivating their innate capacities and to refrain from taking advantage of unequal social status and different actual capacities for making any selfish gain.

In CMD, if the Confucian *Ren* statespersons meet all the requirements of the 'Direction of *Ren*,' they are not socially superior to other citizens even though they are intellectually and morally superior, and have more political influence than other citizens. Therefore, CMD has the potential to promote social equality; even if it fails to meet the requirements of political equality.

5.53 Two Insulting Notions

One might insist that political equality, in its broadest sense, is an important category of equality. Thus, if CMD does not meet the requirements of political equality, it unavoidably results in certain kinds of unequal treatment of its citizens; this could reasonably be deemed insulting towards some citizens. Arguably, there are at least two kinds of insulting notions that are implicit in CMBs which treat the Confucian *Ren* statespersons and their fellow citizens differently in the process of political decision-making (see Chapter 2).

The first insult is that CMBs assume that some citizens make worse political decisions than others. However, this 'insult' is a common phenomenon in almost every society since citizens often disagree with each other about which political decision is worse and who makes worse political decisions. As we can see in most democratic countries, there are debates over policies among candidates, disagreements over qualifications for office in various committees, criticisms of politicians and civil servants on newspapers and social media, as well as differential grades in university political classes.

The second insult is that CMBs assume that the political capacities of most citizens are inferior to those of the Confucian *Ren* statespersons. For early Confucians, if one's political capacity is inferior to others, then one often fails to make the kinds of reasonable political judgements made by those who have made significant achievements in moral self-cultivation. This political capacity has been discussed by many modern political philosophers. John Rawls describes the political capacity as a capacity for a sense of justice (Rawls 2001: 45). In Thomas Christiano's view, this political capacity is mainly

in ‘learning the truth about justice’ (Christiano 2008).[137] For most democratic theorists, one’s political capacity is accepted as one’s basic moral personality; as a matter of justice, it should not be insulted.

However, in reality, the political capacity of the citizens always comes in degrees. For example, infants may not have this kind of political capacity at all. Some individuals with certain kinds of psychological disabilities may also lack this capacity. In order to avoid the insult, many democratic theorists argue that those possessing unequal political capacities should be treated as moral equals. Rousseau contends that democracy can replace the ‘physical inequality nature’ of the citizens with ‘a moral and legitimate equality,’ and therefore, citizens who ‘may be unequal in force or in genius… all become equal by convention and by right’ (Viehoff 2014: 352).

Many contemporary political philosophers appeal to ‘moral arbitrariness’ in their arguments for egalitarianism (Dworkin 2000, Cohen 1989, Arneson 1989, Scheffler 2003, Daniels 2003). Most of them argue that natural differences in political capacities among the citizens should be treated as arbitrary, i.e. as purely contingent, rather than as entailing any practical consequences (Dworkin 2000, Cohen 1989, Arneson 1989, Scheffler 2003, Daniels 2003). In other words, being born with better political capacities, or living in a natural and social environment which better facilitates the development of one’s political capacities, is merely the result of brute luck. This brute luck is morally arbitrary, rather than morally consequential. This being so, it is necessary to strive to ‘mitigate the influence of social contingencies and natural fortune’ (Rawls 1999:63). Phrased more simply, the underlying motivation to avoid the second insult is the idea that the possession of superior or inferior natural political capacities is the result of bad brute luck; thus, the unequal effects of bad brute luck should be either mitigated or eliminated.

However, a close reading of Confucian classics will show that early Confucians only acknowledge actual differences of political capacities among the citizens; rather than assuming that all citizens, by nature, have different political capacities. As discussed in Chapter 4, in early Confucian views of human nature, every citizen has equal innate political capacities.

[137]Jeremy Waldron contends that in order to ensure people’s rights, it is necessary to first respect people’s capacity for reasoning about what rights they have (Waldron 1999).

5.54 Equal Participation in Political Reflection.

Early Confucians contend that the innate political capacities of ordinary citizens are not inferior to those of the Confucian *Ren* statespersons and that every citizen has an equal potential capacity to become a Confucian *Ren* statesperson. As Mencius famously says, 'Things of the same kind are thus like one another. Why is it that we should doubt this only when it comes to human beings? Sage Kings (ancient Confucian *Ren* statespersons) and we are of the same kind' (*Mencius* 6A7).

Early Confucians emphasise the equality of potential capacities, rather than of *de facto* capacities, and they do not think that the majority of the citizens in reality can fully realise their potential political capacities. As Confucius famously states, 'by nature people are alike, by practice, people get to be wide apart' (*Analects* 17.2). To be more specific, these potential political capacities of human beings should not be considered as an accidental attribute inherent to human beings, but rather a certain kind of substance pertaining to a particular kind of moral nature. All citizens have an equal potential to engage in the development of their equal innate political capacities. However, in reality, for different citizens, the results of the development of their innate political capacities may be different. Therefore, citizens often have different *de facto* political capacities which mainly depend on their efforts in self-cultivation. Yan Yuan (Confucius's favourite disciple) said, 'What kind of man was Shun (an ancient Confucian *Ren* statesperson)? What kind of man am I? One who exerts effort will also be like them' (*Mencius* 3A1).

Some citizens may have fewer means of developing their innate political capacities such as some who have certain psychological disabilities. But even if, for the sake of argument, such citizens were deemed 'abnormal' by some, they would undoubtedly have the same potential political capacities as other citizens deemed 'normal.' Here, the term 'the same potential political capacities' means that all citizens, whether they are deemed 'abnormal' or 'normal' by others, not only have equal innate capacities, but also an equal potential to develop their innate political capacities.

This is the reason why Xunzi believes that 'any man in the street can become Yu (an ancient Confucian *Ren* statesperson)' (*Xunzi* 23.18).[138] Thus, for early Confucians, one ought to treat these supposedly 'abnormal' citizens the same as 'normal' citizens. It is necessary to make clear the only misfortunate for these purportedly 'abnormal' citizens is their not having developed certain potential political capacities that they should otherwise have developed.

It should be noted that early Confucian views on the potential political capacities of human beings are not statistical generalisations; nor are they the results of an empirical or psychological study. Early Confucians were not scientists, and they only focused on the essential nature and normal practices of human beings. Moreover, early Confucians spoke of the equal potential political capacities in a normative sense, rather than in a physical or metaphysical sense. Thus, for them, a citizen's potential political capacities are not dependent on the citizen's intellectual and emotional qualities, or personality, or any other biological attributes that the citizen is born with.

Early Confucians insist the equality of potential political capacities among citizens, but more importantly, they attach great importance to the equality of opportunities in developing the potential political capacities of the citizens. More precisely, early Confucians believe that citizens need not only basic means of subsistence in order to keep a 'fixed heart', but also equal opportunities for education, which includes various kinds of cultivation, such as moral education, ritual practice and political training, in order to develop their potential political capacities.

> Mencius said, 'Only sages are able to maintain a fixed heart without a certain livelihood. As for ordinary citizens, if they do not have a certain livelihood, they will not have a fixed heart. Moreover, if they do not have a fixed heart, they will go astray, in the way of self-abandonment, of moral deviation, of depravity, and of wild license. To punish them after they have been involved in crime is to entrap the citizens.' (*Mencius* 1A7; see also 3A3)

So, for early Confucians, it is the responsibility of the government to provide all the citizens with their basic material needs first. Otherwise, they will go morally astray and

[138] '塗之人可以為禹'

fail to keep a 'fixed heart.'[139] In CMD, the government is not only required to attend to the basic material needs of the citizens. In addition, it should also provide all the citizens with an equal opportunity to engage in political reflections; i.e. activities where the citizens reflect on political decisions, political values or justice. As discussed in the first section of this chapter, political reflections help citizens to make reasonable political judgements about which political decisions would better match their moral beliefs, satisfy their political desires and promote their own interests. Moreover, equal participation in political reflections generates a moral obligation of the citizens to respect one another's equal potential capacities and to treat one another as moral equals.

To sum up, the Confucian conception of political equality, which highlights the importance of moral equality and presumes the equality of potential political capacities among citizens, requires the equal participation of all citizens in political reflections. Such conception does not reject equal participation in political decision-making, but rather advocates that equal participation in political reflections is logically and morally prior to equal participation in the process of political decision-making or 'one person, one vote.' Many deliberative democrats hold a similar view. For example, Robert Goodin contends that political reflections of the voters are 'internal acts that precede and underlie' the system of 'one person one vote'. Specifically, He argues:

> People's votes ought to reflect their considered and settled judgements, not top-of-the-head or kneejerk reactions. Democratic citizens are supposed to act reflectively. They are supposed to ponder long and hard what they want and why, and what really is the right way for the larger community to assist them in achieving those goals. Democratic citizens are supposed to come to some joint determination of what they collectively ought to do. In the course of that, they are expected to reflect seriously on what others want and why, and how those others' goals might articulate with their own. (Goodin 2003: 1)

Equal participation of all citizens in political reflections provides every citizen with an equal opportunity to develop their equal potential political capacities. As discussed above, citizens who lack basic political capacities will have an inadequate understanding of

[139]Here the 'fixed heart' is similar to the 'common human reason' or a capacity for a sense of justice as John Rawls argues (Rawls 2001: 41, 84, 92).

political information; they may risk being easily influenced by demagogues; they may fail to make reasonable judgements which match their political attitudes and promote their political influence. Without having relatively equal political capacities, citizens are highly unlikely to exert equal political influence over the process of political decision-making even though they have equal opportunities to participate in such process. Therefore, considering the promotions of the equality of political influence, the equal participation of all citizens in political reflections is more fundamental and valuable than the equal participation of all citizens in the process of political decision-making.

5.55 Possible Objections

One might object to the Confucian conception of political equality by arguing that it is impossible, especially in CMD, to promote the equality of political influence among citizens, merely by providing every citizen with an equal opportunity for political reflections. This is because the political reflections of most citizens will be more or less influenced by the Confucian *Ren* statespersons. Specifically, as the Confucian *Ren* statespersons are supposed to be intellectually and morally superior in their capacities to make reasonable political judgements, it is highly likely that most citizens consider the judgements of the Confucian *Ren* statespersons to be more valid than their own judgements in political reflections. Hence, even if every citizen has an equal opportunity for political reflections, the Confucian *Ren* statespersons can still possess greater 'indirect political influence.'

However, it is necessary to distinguish two kinds of 'indirect political influence' here. One is the phenomenon whereby some citizens take advantage of an unequal distribution of wealth, leisure time and other resources independent of any relevant political considerations, in order to deliberately persuade others to accept their own political judgements. As discussed above, this kind of indirect political influence is not uncommon in modern societies.

The other kind of indirect political influence, exerted by the Confucian *Ren* statespersons in CMD, is the phenomenon where the opinions and reflections of the Confucian *Ren* statespersons are deemed convincing from the reasonable points of view of the citizens who participate in public debates. In other words, when the citizens are indirectly

influenced by the Confucian *Ren* statespersons, they are actually exercising their own political judgements, and their political reflections are free and autonomous.

Moreover, any measures that are taken to avoid such an inequality of political influence may threaten other substantive goods, such as freedom of speech. Thus, as long as everyone's political reflections are free and autonomous, it is not objectionable for the Confucian *Ren* statespersons to enjoy a greater degree of indirect political influence. Or at the very least, this is less objectionable than compromising freedom of expression for eliminating such inequality of indirect political influence.

Even if in reality, the equal participation of citizens in political reflections cannot assist in securing the equality of political influence, the Confucian conception of political equality is still a desirable ideal. This is because political reflections help citizens to develop their own potential political capacities so that they are capable of making reasonable political judgements. This is of great value not only because it promotes the substantive interests of the citizens, but also because it opens up to the citizens a realm of political values that would otherwise be closed (see Section 5.12). In other words, the participation of citizens in political reflections is valuable, as it helps the citizens realise their political values. For most citizens, realising their own political values may be an even more crucial imperative than pursuing equal political influence.

One might argue that the Confucian conception of political equality only highlights the importance of equal participation of all citizens in political reflections, rather than in making political decisions, and thus fail to meet the requirements of the democratic conception of political equality. But even if such were the case, the Confucian conception of political equality is compatible with the practical aim of the democratic conception of political equality; which is to treat all citizens with equal respect, despite any inequality of their social status, or any difference in their actual capacities.

In CMD, some citizens may have fewer opportunities for direct political participation than the Confucian *Ren* statespersons can enjoy; nevertheless, as will be discussed in Chapter 6, every citizen has an equal opportunity for political reflections by means of Confucian civic education and other meritocratic institutional arrangements. Thus, the Confucian *Ren* statespersons and other citizens in CMD enjoy a similar range of

opportunities to realise their political values. When most citizens are in a position to make reasonable political decisions, they are highly likely to treat one another as moral equals and thus enjoy political equality and social equality.

6. Political Institutions

The preceding chapters have provided a comparative and philosophical elaboration upon the Confucian conceptions of political authority, political rights and political equality. The discussion has been primarily conducted on a theoretical level, rather than on a practical level. CMD aims to establish an efficient, responsive and harmonious state, by helping citizens to make reasonable political decisions, and by putting the responsibility for political decision-making into the hands of the Confucian *Ren* statespersons, or those who are generally most reasonable.

However, it is still necessary to ask: how can CMD actually assist the citizens in developing their equal potential capacities, so that most of them are able to make reasonable political decisions? How can CMD appropriately facilitate the selection of the Confucian *Ren* statespersons, and thereby guarantee the promotion of the well-being of all the citizens in non-ideal situations?

Admittedly, early Confucians rarely provide any guidance on the selection of the Confucian *Ren* statespersons, as they already appear to be well aware of the extreme difficulty involved in finding a true Confucian *Ren* statesperson in non-ideal situations. What these ancient Chinese philosophers often discuss, instead, is what virtues a good ruler should have and how to improve the virtues of the existing rulers. Early Confucians have few suggestions about how to solve actual problems in non-ideal situations. I.e., those in which the existing rulers are not virtuous, or fail to meet the requirements of *Ren*. Thus, if early Confucians failed to persuade the existing rulers to follow the Confucian way (*dao* 道), their only option was either to turn to the Mandate of Heaven (*tianming* 天命); or to sacrifice themselves in a perilous service to an arbitrary tyrant.

> The master said, 'He loves learning with sincere faith and holds the *dao* (requirements of *Ren*) firm to death. Such a one never enters a tottering state, never dwells in a state where there is a disorder. When the *dao* prevails in the world, he appears; when the *dao* is lacking, he will keep concealed. When the state follows the *dao*, being poor and lowly is a cause for shame. When the state is without the *dao*, being rich and eminent is a cause for shame.' (*Analects* 8.13)

When living in a society where the *dao* does not prevail, Confucius would propose a complete withdrawal from politics. It is possible that here, Confucius was influenced by political ideas from Daoism. He appears to suggest that, at least under certain conditions, Confucian *Ren* statespersons should only set a good example for other citizens and rule through *wuwei* (no-action); rather than through active intervention. Mencius holds a similar view, as he says, 'The Confucian *Ren* statesperson has three delights, and being a ruler is not among them' (*Mencius* 7A20).

However, *wuwei* (no-action) is not a main idea or theme in classical Confucianism. Arguably, *wuwei* may make many Confucian political ideas less inspiring and convincing in solving actual problems, or in achieving the Confucian political aims of establishing an efficient, responsive and harmonious state. Moreover, the idea of *wuwei* may make classical Confucian 'dangerous,' as John Dewey points out that 'to profess to have an aim and then neglect the means of its execution is self-delusion of the most dangerous sort.' He states:

> When we take ends without regard to means we degenerate into sentimentalism. In the name of the ideal we fall back upon mere luck and chance and magic or exhortation and preaching; or else upon a fanaticism that will force the realisation of preconceived ends at any cost. (Dewey 1920: 72–73) [140]

In order to make CMD less fantastical, it is necessary to develop a Confucian perspective on political, institutional arrangements which has the potential to solve problems in real political practice, and to socially actualise its general aims; while still retaining Confucian political values as regulative ideals (see Section 2.41) and aspirations.

This chapter will elaborate on a series of possible institutional arrangements for CMD. This elaboration represents a preliminary sketch of an answer. It is intended primarily as a philosophical thought experiment, which can only be put to the test in practice, by the future endeavours of social scientists. In other words, this chapter is merely devoted towards some hypothetical institutional arrangements in CMD; rather towards an exploration of the feasibility of CMD in modern societies. However, even if CMD should

[140] This is reprinted from Kim (2017: 39).

turn out to be unfeasible in practice, the discussion of such institutional arrangements in CMD can still provide theoretical tools to tackle real political problems, while also serving as normative standards and representations of the ideal aspirations of many citizens living in modern societies.

6.1 Confucian Civic Education

Confucian civic education is one of the most significant institutional arrangements in CMD. There are several reasons for this. Firstly, as discussed in the preceding chapters, early Confucians attach great importance to education.[141] They contend that every citizen has equal innate capacities, which can and ought to be further cultivated so that every citizen can meet the requirements of *Ren* and benefit the whole world. Therefore, in CMD, the Confucian civic education is necessary for citizens to lead flourishing lives; as it assists them to realise their political values, to make reasonable political decisions and to actualise their potential to become Confucian *Ren* statespersons (these topics are elaborated in Chapter 3, Chapter 4 and Chapter 5).

Secondly, as discussed in Chapter 3, early Confucians make it clear that government is responsible not only for serving the material well-being of its citizens but also for providing every citizen with an equal opportunity to gain a good education (*Analects* 13.9, 15.39, *Mencius* 1A7, 3A4; *Xunzi* 16.1, 27.52). Mencius argues that rulers who provide citizens with a good education will get more support from the citizens than rulers who are good at governing.

> Mencius said, 'Good government does not win the citizens as good education does. He who is good at governing is feared by the citizens; he who provides the citizens with a good education is loved by them. Good government delivers the wealth of the citizens; good education wins the hearts of the citizens. (*Mencius* 7A14)

Thirdly, Chapter 5 of this thesis has argued that in light of a Confucian conception of political equality, the key priority is safeguarding equal participation in political

[141] See *Analects* 1.1, 1.6, 1.7, 1.8, 2.4, 2.15, 5.28, 7.2, 7.3, 7.25, 8.12, 8.17, 12.15, 13.9, 14.24, 15.31, 15.32, 15.39, 16.9, 16.13, 17.8, 19.6, 19.7, 19.13, 19.22; *Mencius* 1A7, 1B3, 1B9, 2A2, 2b2, 3A3, 3A4, 5B4, 7A14, 7A20, 7A40 *Xunzi* 1.3, 1.4, 1.13, 1.14, 1.15, 1.17, 9.1, 9.24, 10.14, 18.26, 16.1, 27.52

reflections, rather than equal participation in the process of political decision-making. Therefore, the Confucian civic education is of great importance in CMD, as it provides every citizen with an equal opportunity for political reflections, and thus promotes political equality among citizens.

The Confucian civic education is a modern form of the Confucian education which has influenced China and other East Asian countries for thousands of years. As Yu Ying-shih 余英時 has pointed out with regards to the history of imperial China, 'the Confucian education often inculcates into the minds of the young, along with other values, the sense of justice, social responsibility, human equality, the well-being of the people, which may be regarded as some of the closest Confucian equivalents to Western civic virtues' (Yu 1997: 206-207).

There are similarities and differences between the Confucian civic education and the liberal civic education that many deliberative democrats endorse. Both kinds of civic education provide citizens with open forums for political reflection and aim to improve the political competence of the citizens, so that the citizens can make responsible judgements on public affairs. This is the objective shared by Confucian way of life and democratic way of life. As Joshua Cohen suggests, 'a characteristic feature of different philosophies of life is that they each give us strong reasons for seeking to shape our political-social environment: for exercising responsible judgment about the proper conduct of collective life' (Cohen 2001: 47-80).

Liberal civic education often prioritises the cultivation of critical thinking abilities, and it mainly focuses on teaching political theories that are centred on the key themes of individual autonomy and rights. By contrast, the Confucian civic education is dynamic and active, emphasising on the cultivation of relationship-based virtues. It aims at helping citizens make reasonable decisions by nurturing reciprocal relationships.

6.11 Cultivation of Relationship-based Virtues

One of the principal purposes of the Confucian civic education is to assist citizens to actualise their potential relationship-based virtues. When the Duke of Teng asks Mencius about how to rule a state better, Mencius replies that a good ruler should establish various kinds of 'educational institutions for the instruction of the citizens.' The object of these

education institutions is 'to clarify human relationships. When human relationships are clarified, citizens will show affection to each other' (*Mencius* 3A3). Mencius also points out that the responsibility of the Minister of Education is to 'teach citizens about the human relationships: that between parents and children there is affection; between ruler and minister, righteousness; between husband and wife, separate functions; between older and younger, proper order; and between friends, faithfulness' (*Mencius* 3A4).

More specifically, Confucius believe that education should aim at helping citizens to develop five relationship-centred virtues, all of which are derived from the requirements of *Ren*.

> The Master said, 'To be able to practice five virtues (Courtesy, generosity, trustworthiness, diligence and kindness) everywhere under Heaven is to be considered as *Ren*…He who is courteous to others avoids being humiliated, he who is generous to others wins the multitude, he who is sincere to others is trusted by others, he who is diligent to help others succeeds in his work, and he who is kind to others can get service from others.' (*Analects* 17.6)

Most early Confucians regard these five relationship-based virtues not only as civic virtues but as human virtues also. These virtues not merely make people better citizens, but also better human beings (*Xunzi* 3.3, 3.4, 12.3, 14.5). Early Confucians believe that such relationship-centred virtues are deeply connected with the public and private spheres of life of every citizen. Because of this, all citizens can and should practice these virtues in all situations, so that they can cultivate an appropriate relationship with other members of their family, community and state, and to show consideration to the interests of their fellow citizens.

In CMD, the intent of the Confucian civic education is to help citizens actualise these relationship-centred virtues and to develop the ability to reason empathetically; i.e., to think from the perspectives of others who have different beliefs that are derived from their own individual life experiences. Therefore, the Confucian civic education has considerable potential to assist in solving some of the problems that modern democratic countries are facing.

As discussed in Chapter 2 and Chapter 4, the development of social media and of the free market have left their mark upon the society of today. The meanings and values citizens share mostly concern prestige and money, rather than morality. In many modern democratic countries, political opinion is increasingly divided; most citizens may lack either the motivation or the capacity to make the kind of reasonable political decisions that recognise the interests of others. As discussed in Chapter 3 and Chapter 4, voter ignorance and the multi-party system have the potential to exacerbate conflicts of material and spiritual interests among individuals, and to increase distrust and antagonism among citizens with different political views.

Many contemporary political philosophers understand the above problems, and they suggest various institutional arrangements, such as civic education, in order to solve them. For example, Benjamin Barber proposes a 'Civic Education and Equal Access to Information: A Civic Education Postal Act and a Civic Videotex Service.' The purpose of such a service is to provide 'wide access to pertinent economic and political information.' Barber insists that 'without civic education, democratic choice is little more than the expression and aggregation of private prejudices' (Barber 2004: 278). Martha Nussbaum also contends that certain arrangements, like civic education in the humanities, can teach students to think critically and to endeavour to become knowledgeable and empathetic citizens (Nussbaum 2012).

Most contemporary discussions about civic education are the development of John Dewey's ideas of 'public education' in his influential educational philosophy (Dewey [1916] 2017). Civic education is widely viewed by many modern political philosophers as a school for democracy; focusing on developing the critical thinking abilities of the citizens and providing citizens with opportunities to gain basic political knowledge, which often centres upon core beliefs in individual autonomy and human rights (Dworkin 2006: 147-150).

As discussed in Chapter 4, such a civic education appears insufficient and not easily operative to solve all the problems discussed above. This is partly because such problems mainly result from a lack of the moral value of altruism, i.e., most citizens are not altruistic enough to sacrifice their own self-interest for the well-being of their fellow citizens. Therefore, it is necessary to encourage the moral cultivation of the citizens.

Moreover, leaning political theories about individual autonomy and human rights does help citizens understand and promote their own self-interest. However, in modern democracies, these theories, along with the cultivation of critical thinking abilities, may also lead to increasingly polarised politics and partisan animosity. [142]

When compared with liberal civic education, the Confucian civic education can be recognised as a more dynamic and active system; as its emphasis on relationship-based virtues enhances awareness of, as well as a commitment to the common good. It aims at helping citizens make reasonable decisions, by nurturing reciprocal relationships among them and getting them to view one another as moral equals. Therefore, the Confucian civic education is in a position to be a viable mechanism for solving the problems that modern democracies are facing, especially the increasingly serious distrust and antagonism among citizens whose political views are mutually incompatible.

Moreover, most relationship-based virtues that the Confucian civic education intends to help citizens actualise, are deeply connected with their everyday personal and social lives. Therefore, compared with the liberal civic education, the Confucian civic education is more acceptable to most citizens and thus has the potential to serve as a more successful way of motivating citizens to cultivate their own potential moral capacities.

6.12 The Legitimacy of Moral Cultivation

Some liberals may question the legitimacy of the Confucian civic education as a kind of moral cultivation enforced by the state. In a pluralistic society, citizens often disagree with each other about various moral values, and every citizen has his or her own conception of good life. Therefore, one might argue that the Confucian civic education is illegitimate because the state cannot and should not coerce its citizens to accept a certain view about how to become a better person or how to live a better life.

The Confucian civic education is the most important institutional arrangement in CMD for helping citizens to make reasonable political decisions. Therefore, according to the discussions in the preceding chapters, the question of the legitimacy of the Confucian

[142] Here, this thesis does not intend to argue that liberal knowledge about autonomy and rights are meaningless, neither does this thesis plan to argue that Confucian ethics centred on human relationships are perfect. Both kinds of moral beliefs can be vital for the well-being of the citizens in certain situations.

civic education is of great significance for it is also related to the justification of Confucian political authority, the value of Confucian political rights and the protection of Confucian political equality in CMD. Because of this, the rest of this chapter will attempt to provide a detailed response to the question just posed.

It is widely accepted that most citizens, other than heroic figures such as Mahatma Gandhi or Jesus Christ, will not behave morally towards strangers if they are in a situation that does not require moral behaviour to survive. Many empirical and theoretical studies have suggested that 'people behave badly when they are not held personally accountable, when nobody raises a critical voice, and when human beings over whom they have power are dehumanized.' (Nussbaum 2012: 36)

Early Confucians also realise that citizens can become ruthlessly competitive and egoistic if they are placed in a social context which does not encourage the realisation of goodness.

> Mencius said, '(Even if citizens) are well fed, warmly clad, and comfortably lodged, but without being taught at the same time, they almost degenerate to the level of brutes, as they are allowed to lead idle lives, without education and discipline.' (*Mencius* 3A4)

Early Confucians hold the view the most important and effective way for citizens to behave morally is to study.

> The Master said, 'The love of *Ren* without the love of study invites the flaw of foolishness. The love of knowing without the love of study invites the flaw of reckless-ness. The love of being sincere without the love of study invites the flaw of an injurious disregard of consequences. The love of uprightness without the love of study invites the flaw of rudeness. The love of bravery without the love of study invites the flaw of riotousness. The love of firmness without a love of study invites the flaw of extravagant action.' (*Analects* 17.8)

Therefore, early Confucians attach great importance to education, as education exerts a substantial influence on the moral behaviour of the citizens. However, this does not mean that early Confucians believe that education should aim at instilling a certain

understanding of 'what is a good life' and 'how can citizens live good lives.' Mencius makes this quite clear when he says:

> A Confucian *Ren* statesperson teaches in five ways. The first is by a transforming influence like that of timely rain. The second is by helping the citizens to actualise their potential moral capacities to the full. The third is by helping the citizens to develop their intellectual abilities. The fourth is by answering the questions of the citizens. And the fifth is by setting a good example so citizens can cultivate and correct themselves. These five are the ways a Confucian *Ren* statesperson teaches. (*Mencius* 7A40)

None of these 'five ways' is intended to instil specific moral beliefs into the citizens. For early Confucians, the education should be like a 'timely rain' (rainwater needed by crops), for the purpose of helping the students to actualise their potential intellectual and moral capacities. Moreover, as discussed in Chapter 3, early Confucians contend that rulers should not use coercive power, but should turn instead to moral persuasion, in which rulers establish themselves as good examples for their fellow citizens to emulate (*Analects* 2.20, 3.26, 12.17, 12.18, 13.1, 13.13, 13.6, *Mencius* 4A4, 4A20).

For early Confucians, the purpose of education is to help citizens cultivate themselves. Through self-cultivation, citizens become reasonable, which means they are able to think from the point of view of their fellow citizens, respecting the beliefs of others, and helping others to live better lives. In short, the Confucian civic education aims at making citizens reasonable, so that they can make a positive contribution to the flourishing lives of other citizens. However, one may ask why the Confucian civic education focuses on the cultivation of the abilities to benefit the way of life of others, rather than one's own way of life? There are at least two possible answers to this question.

One possible answer is that citizens all have their own views of good life, which are founded on their own beliefs and life experiences. The Confucian civic education cannot and should not teach citizens what ways of life are good for them or how they could live a good way of life. Otherwise, the Confucian civic education may take the risks of instilling certain moral beliefs into its citizens and diminishing their abilities to take charge of their own ways of life.

Another possible answer has been discussed in Chapter 3. It lies in the simple fact that one cannot live a good way of life alone. The ways of life of other citizens living in one's family, community and country may enter into the meaning of one's life so profoundly that they cannot be separated from one's own way of life. One's own way of life is thus inseparably bound up with the ways of life of other citizens in one's society. The relationship between the ways of life of one's fellow citizens and one's own way of life is web-like, mutually shaping and mutually supporting. Therefore, being reasonable, i.e. being able to benefit the ways of life chosen by others, is a necessary condition of being able to benefit one's own way of life.

Therefore, the Confucian civic education helps citizens live good lives, not directly through instilling a certain comprehensive doctrine of a good way of life in them, but indirectly through enhancing their abilities to respect and to benefit the ways of life chosen by others.

6.13 Confucian Academy

The opportunities Confucian civic education offers for political reflections and for the cultivation of relationship-centred virtues are a strict necessity for those who want to participate in public affairs. This is because such opportunities help citizens to develop their potential capacities, so that they can make reasonable political decisions. In CMD, in order to provide every citizen with equal and fair opportunities to become a Confucian *Ren* statesperson, the state will ensure that the Confucian civic education is free and open to every citizen. If a citizen is willing to participate in political matters after completing the Confucian civic education, the citizen will receive further political training by studying at the Confucian Academy.

In CMD, the Confucian Academy is the highest education institution which specifically trains potential Confucian *Ren* statespersons by providing them with opportunities to be highly informed, to discuss sophisticated political issues and to gain practical experience at politics. Such Confucian Academy is a similar idea to the Imperial College (*taixue* 太學) that Huang Zongxi proposes. Huang Zongxi 黃宗羲(1610-1695), an influential Confucian philosopher in the early Qing dynasty, strives to reassert the political importance of Imperial College, which was the highest institution for Confucian education in Imperial China. Huang contends that the teachers at the Imperial College,

who were selected from the established Confucians of the day, should be as important as the ministers. In Huang's view, the teachers and students at the Imperial College should participate in open discussions of main political issues in public affairs, without having to worry about condemnation from the powerful. Moreover, the emperor, along with the ministers, should be questioned by students and teachers at the Imperial Academy at least once a month (Huang [1663] 2016: 51-52).[143]

In keeping with Huang's ideas, the Confucian Academy would require all senior officials in CMD to be questioned at the academy, so that the students would have access to comprehensive and highly reliable political information. The Confucian Academy would hold political debates about various public issues. Since the students who participate in those debates have already finished the Confucian civic education, it would be safe to assume that most debate participants are able to make relatively reasonable judgments on public issues, to empathise with the perspectives of others, and to exemplify a relatively strong commitment to the common good. Because of this, the debate would be of high quality and provide the students with the opportunity to participate in high-quality political reflections.

Besides political debates, the Confucian Academy would also offer the students opportunities to gain practical experience, by letting them work as interns at the local and central government for a certain period. Then after a series of theoretical education and practical training, some students could finally attain the 'merits' necessary to become a Confucian *Ren* statesperson. The possession of such 'merits' will greatly increase the probability that the citizens who become the Confucian *Ren* statespersons will consistently make reasonable political decisions that are based on the common good, rather than their own self-interest.

6.2 The Merits of the Confucian *Ren* statespersons

At this point, one might ask what kinds of 'merits' the Confucian *Ren* statespersons should have, or how is it possible to tell whether someone is morally, intellectually and practically capable of making reasonable political decisions. In other words, in CMD,

[143] The contemporary Confucian thinker Jiang Qing has advocated reviving this practice in contemporary China, see (Bell and de-Shalit 2011: 160).

what particular 'merits' should a qualified Confucian *Ren* statesperson have, in order to equip them for making reasonable judgements on public affairs?

The early Confucian views on the merits of a good statesperson first appeared in the disintegration of the pedigree-based order of the Spring and Autumn period (770-453 BCE) and flourished throughout the Warring States period (453-221 BCE).[144] Later Confucians emphasised providing concrete institutional basis for the evaluation of personal merits, as well as a selection and promotion mechanism for the purpose of choosing government official who are morally and intellectually superior to others.

There is no agreed list of 'merits' among the early Confucians; even though early Confucians warn that 'merits' should be precisely defined, otherwise they could be manipulated by hypocrites instead of being used as a set of criteria for selecting truly capable Confucian *Ren* statespersons (*Analects* 6.13, 17.4, 17.23, *Mencius* 6A15, *Xunzi* 4.5, 4.9). For most early Confucians, rulers are required to have certain 'merits' in order to implement '*Ren* government (*Ren zheng* 仁政).' As discussed in Chapter 2, such 'merits' are subject to and defined by *Ren* (Pines 2013). The purpose of having these merits is to serve the requirements of *Ren*. Here, the meaning of *Ren* resonates with the 'cause' in Max Weber's discussions of the qualities of a good politician. Weber contends that faults and shortcomings in politics begin where 'striving for power loses its objectivity and becomes a matter of purely personal self-intoxication, instead of being employed solely in the service of the "cause"' (Weber 2008: 194).

In his essay, *Politics as a Vocation*, Weber says, 'three qualities are chiefly decisive for the politician: passion, responsibility, and a sense of proportion' (Weber 2008: 192). The connection between these three qualities is founded upon the 'cause.' Good politicians should have a sense of responsibility to the 'cause' to which they are passionately devoted.

[144] See *Analects* 1.1, 1.2, 1.8, 1.14, 2.14, 3.7, 3.24, 4.5, 4.10, 4.11, 4.16, 4.24, 5.16, 6.18, 6.26, 6.27, 7.37, 8.2, 8.4, 12.4, 12.5, 12.8, 12.15, 12.16, 12.19, 12.24, 13.3, 13.23, 13.25, 13.26, 14.23, 14.27, 14.28, 14.42, 15.8, 15.18, 15.19, 15.20, 15.21, 15. 22, 15.23, 15. 32, 15. 34, 15.37, 16.1, 16.6, 16.7, 16.8, 16.10, 17.4, 17.7, 17.21, 17.23, 17.24, 18.10, 19.3, 19.4, 19.7, 19.9, 19.10, 19.25, 20.2, 20.3; *Mencius* 1A7, 1B14, 2A9, 2B1, 2B3, 2B13, 3A2, 3B4, 3b7, 4b14, 4B18, 4B19, 4B22, 4B28, 5B7, 6B6, 6B8, 7A13, 7A20, 7A21, 7A24, 7A32, 7A37, 7A40, 7A41, 7A45, 7B24, 7B29, 7B32, 7B33, 7B37; *Xunzi* 1.1, 1.8, 1.13, 1.16, 2.12, 3.1, 3.2, 3.3, 3.4, 3.5, 3.9, 3.10, 4.9, 5.8, 5.9, 5.11, 6.14, 8.8, 8.11, 8.12, 9.3, 9.18, 12.1, 12.2, 12.3, 12.9, 13.5, 13.8, 14.1, 14.2, 17.9, 17.10, 18.38, 19.17, 20.7, 21.10, 21.15, 23.2, 24, 25.1, 27.21, 27.103, 28.8, 29.6, 30.3, 30.4, 30.7, 30.8, 31.6, 32.3

And a sense of proportion means that the good politicians should be realistic and rational during their devotion to the 'cause.' [145]

More precisely, in Weber's view, good politicians should not only be full of passion, and thereby place a high value upon their good intentions. Moreover, they should be 'realistic,' and consider carefully the potential and actual results of their own actions in the service of the 'cause.'[146] In short, good politicians will have moral beliefs which are the source of their passion and their devotion to the 'cause,' but they will also manifest a calm utilitarian rationality which facilitates an appropriate implementation of the given institutional instruments, including the state's monopoly of legitimate violence, in order to deal with the political problems in reality.[147] Here, the relationship between the 'cause' and the qualities of Weber's good politicians, is very similar to that between '*Ren*' and the merits of the Confucian *Ren* statespersons. No matter what the particular merits and virtues are at issue for a Confucian *Ren* statesperson, '*Ren*' is the ultimate cause of all merits and the guiding star of all actions (*Analects* 2.1).

It is difficult to provide a specific list of 'merits' that Confucian *Ren* statespersons would have, as the list would be too long and vary according to different political contexts. However, these 'merits' do not include those which may be more useful for politicians in modern democratic societies, such as 'the ability to foretell what is going to happen tomorrow, next week, next month, and next year. And to have the ability afterwards to explain why it does not happen' (Winston Churchill). Another 'useful' ability of many modern democratic politicians is to exaggerate the drawbacks of political opponents and to make promises that will not be delivered after the election victory, as well as the ability to make passionate speeches while campaigning (Kane and Patapan 2012). Gutman and Thompson argue that the merits of democratic politicians are mainly election oriented,

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[145] Weber further argues that 'there are only two kinds of deadly sin in the field of politics: lack of objectivity and— often, although not invariably, identical with it— irresponsibility. Vanity: the need to push oneself into the foreground as prominently as possible, leads the politician most strongly into the temptation of committing one or both of these sins' (Weber 2008: 194).

[146] For Weber, the question about the quality of a good ruler is 'How do we force burning passion and a cool sense of proportion to come together in the same soul?' (Weber 2008: 193). For Weber, a good ruler must be prepared to use morally dubious means for good results. 'The world was governed by demons, and that those who threw in their lot with power and force as means were making a pact with diabolical powers, and that as far as one's actions are concerned it is not true that 'from good only good comes, and from evil only evil comes, but that the opposite is often the case' (Weber 2008: 200-201).

[147] 'Whoever seeks the salvation of his own soul and the rescue of other souls does not do so by means of politics, which has quite different tasks: those that can only be solved by force' (Weber 2008: 204).

such as various abilities for campaigning, or the desire to stand for positions that are different from their opponents regardless of whether such positions are good for governing or not (Gutmann and Thompson 2009).

Generally speaking, there are three fundamental merits of the Confucian *Ren* statespersons. These merits are first and foremost compatible with the requirements of *Ren* in classical Confucianism as well as with Confucian conceptions of political authority, political rights and political equality, as will be discussed in detail in the preceding sections.

6.21 Intellectual Ability

For early Confucians, moral virtues are the most important merits of a good ruler. However, intellectual ability is what matters most, if one wishes to evaluate the merits of the Confucian Ren statespersons in CMD. The idea of selecting political officials according to their intellectual ability has deep roots in Confucianism. For over 1300 years in Imperial China, political officials were mostly selected on the basis of their academic performance in *Keju* 科舉 (Imperial civil examination). *Keju* is roughly analogous to today's civil service examination. However, it must be noted that in Imperial China, there is no distinction between political officials and civil servants.

It has been argued that in a large state, government officials at different levels of the state need to meet different requirements, in terms of their intellectual ability. Certain intellectual capabilities may be much more important for officials in the central government than those in the local administration; as government officials at a higher level often need to deal with more complex issues and to provide insightful solutions to long-term problems.[148] For village rulers, the executive and technical ability to implement political decision might be more crucial.[149] In CMD, the Confucian *Ren* statespersons should be equipped with several basic skills in order to demonstrate that they have

[148] The national civil service examination syllabus in many countries appears to provide evidence for this assertion. For example, the 2013 Chinese National Public Service Examination Syllabus for Central-Level Organs and Direct Subordinate Organizations.

[149] In the Ming dynasty, officials in the capital needed to have greater intellectual ability than other officials. See Chen (1993: 92-96).

superior intellectual abilities. First and foremost, a Confucian Ren statesperson should be a good learner, as Confucius attaches great importance to learning.

> The Master said, 'In a village of ten families, there are certainly some who are as honourable and sincere as I am, but none my equal in love of learning!' (*Analects* 5.28)

> The Master said, 'The silent treasuring up of knowledge, learning without satiety and teaching others without being wearied – this much I can do.' (*Analects* 7.2)

It may not be necessary for Confucian *Ren* statespersons to have expertise in any particular fields. However, they need to be effective and efficient learners, in order to successfully gain and implement knowledge from various policy-related disciplines, such as politics, economics, psychology, science and philosophy. All of these have a bearing on reasonable political decision-making. In order to analyse complicated information and to understand complex arguments from various angles, the Confucian *Ren* statespersons also need analytical skills; so they can avoid looking at matters through an inflexible ideological lens.

In addition, the ability to respond to problems quickly in an increasingly interconnected and fast-changing world is also necessary, so that the Confucian *Ren* statespersons can make reasonable predictions about ambiguous and contradictory affairs in the future. Because of the influence of globalisation, the Confucian *Ren* statespersons also need to speak a second or even a third language. Moreover, the Confucian *Ren* statespersons should be familiar with history, so that they have basic knowledge of the strengths and weaknesses of past political decisions, which may still be relevant today.

Last but not least, the Confucian *Ren* statespersons should be adequately acquainted with the Confucian classics, which are full of insights about the qualities of a good statesperson. Studying these classics can assist the Confucian *Ren* statespersons in establishing their understanding of Confucian moral beliefs; these beliefs can motivate them to meet the requirements of *Ren* and to act in a virtuous and competent manner in their social and political lives. In a Chinese context, it is important for good statespersons to study Confucianism, so they can develop a sense of being part of a great historical tradition and

improve their rhetorical and communicative skills, by drawing from the rich literary and philosophical tradition of Confucianism.

6.22 Emotional Intelligence

It is necessary for a Confucian *Ren* statesperson to have a high degree of intellectual ability, but such intelligence, on its own, is not sufficient. Modern political scientists contend that high emotional intelligence is also necessary for a good politician. For example, Oliver Wendell Holmes points out that American President Roosevelt had 'a second-class intellect' but 'a first-class temperament.' He argues that for political success, a first-class temperament is more important than a first-class intellect (Powell 2010: 32). It is not uncommon to see intellectually capable but socially insensitive individuals, who have achieved outstanding academic results. A common phenomenon in modern history is that statespersons who have high emotional intelligence usually surround themselves with talented advisers who know more than the statespersons do.

Early Confucians also believe that good rulers should have high emotional intelligence which is reflected in their treatment of others. Specifically, good rulers should engage their ministers in accordance with *Li* (rituals), so that the ministers will be devoted to helping the rulers make the best political decisions (*Analects* 3.19). Only by meeting the requirements of Li (rituals) can rulers unite their fellow citizens to achieve specific political goals (*Analects* 14.41). As discussed in Chapter 3, early Confucians contend that rulers should always use moral persuasion to 'win the hearts of the citizens,' in order to bring citizens into compliance with political decisions, rather than resorting either to force or to legal punishments (*Mencius* 7A14). Rulers who are capable of making brilliant political decisions, but whose temperament alienates others will find it extremely difficult to persuade their fellow citizens to accept and implement their decisions.

Therefore, in CMD, Confucian *Ren* statespersons cannot rely solely on their superior intellectual abilities; high emotional intelligence is also a strict necessity so that they can communicate with their fellow citizens effectively and efficiently. Daniel Goleman's empirical studies confirm that most effective leaders have a high degree of emotional intelligence. Goleman also points out that emotional intelligence is of particular importance for those who rule at a higher level, and who are required to engage with a larger and more comprehensive group of citizens (Goleman, Boyatzis and McKee 2013,

Goleman 2004). A high degree of emotional intelligence enables the Confucian *Ren* statespersons to be aware of their own strengths and weaknesses; to control their positive and negative moods; to be continually motivated by noble aims, to fully understand the feelings and emotions of others, and to encourage others to improve their own performance.

In classical Confucianism, one's emotional intelligence capabilities can be developed by gaining experience of different social roles and by dealing with various relationships with different citizens. Older adults who have more life experiences, and who have retained their desire for social interactions usually have a higher degree of emotional intelligence than younger adults; or as Confucius says that he becomes a good listener and no longer needs to struggle to control his emotions after he turns seventy years old.

> The Master said, 'At fifteen, I made up my mind to study hard. At thirty, I stood on my own two feet. At forty, I was free of perplexities. At fifty, I knew my destiny. At sixty, I was good at listening to different opinions. At seventy, I could follow the dictates of my emotions without overstepping the boundaries of the right.' (*Analects* 2.4)

Confucius suggests that when citizens become old, they are more likely to have higher emotional intelligence. Because of this, they are able to do whatever they desire without having to worry about violating *Li* (rituals). Many modern empirical studies also show that 'emotional intelligence increases with age' (Goleman 2014: 8)[150] Fredda Blanchard-Fields argues:

> Older adults are more socially astute…they are better able to make decisions that preserve an interpersonal relationship…And as we grow older, we grow more emotionally supple—we are able to adjust to changing situations on the basis of our emotional intelligence and prior experience, and therefore make better decisions (on average) than do young people. (Hall 2010: 229)

[150] Some researchers contend that older people quickly let go of negative emotions because they value social relationships more than the ego satisfaction that comes from rupturing them (Vaillant 2015, Bell 2016).

Therefore, in CMD, older citizens are more likely to become Confucian *Ren* statespersons, as they usually have superior emotional intelligence.

One might point out that it is extremely difficult, in real and concrete political practice, to gauge one's emotional intelligence via examinations, or any other kinds of systematic testing strategy. The modern Confucian scholar Qian Mu 錢穆 has also noticed this challenge. He contends that this problem was generally avoided in the history of Imperial China, especially in the Han dynasty; insofar as most of the candidates who participated in imperial examinations were born into political families. Thus, these candidates were already familiar with the real-life political practice. They had already availed of numerous opportunities to improve their emotional intelligence before they even took the imperial examinations (Qian 2004: 249).

However, even if the political system of Imperial China was able to ensure that successful *Keju* candidates had a high capacity for emotional intelligence, such system surely undermine political equality. In CMD, the solution would be as follows: successful examination candidates will undergo further training and testing by working as interns at different levels of government, over a substantial period of time. This is something they all required to do before assuming the role of a Confucian *Ren* statesperson. The rest of the chapter will discuss this topic further.

6.23 Moral Ability

As discussed in Chapter 2 and Chapter 3, *Ren* is characterised as the highest moral ability in classical Confucianism. Early Confucians always propose a '*Ren* government,' in which the rulers use their moral abilities to promote the benefit of the citizens. They always condemn the opposite of '*Ren* Government,' i.e., 'Hegemonic Government' where the rulers use immoral abilities to promote the benefit of the ruling class. Therefore, in CMD, moral abilities are the most significant merits of the Confucian *Ren* statespersons.

According to Confucius, a good ruler's moral abilities are characterised by *Ren* (Chan 1955), and anyone who is in possession of these moral abilities is altruistic enough to sacrifice one's own self-interest for the well-being of others (*Analects* 6.30, 13.19, 15.9). Mencius contends that rulers should employ their moral abilities to govern the state, as he says, 'If a ruler were to employ the moral ability in order to implement *Ren* government,

he would find bringing the entire state into order to be simple, as though he were turning the world in his hand' (*Mencius* 2A6).

Moreover, early Confucians believe that rulers should have superior moral abilities so that they can set good examples for other citizens and thus facilitate the moral cultivation of other citizens. However, El Amine, in her latest book *Classical Confucian Political Thought*, points out that for early Confucians, political order is the end, rather than moral cultivation. Based on her reading of the work of early Confucians, El Amine argues that 'a virtuous ruler is important because he knows what policies to pursue to achieve long-lasting political order, not because he governs through the force of his example to promote virtue in society' (Amine 2015: 15).

El Amine appears to overemphasise the importance of political order in classical Confucianism. Mencius and Xunzi indeed argue that, at times, a certain degree of punishment and force is a necessity of governance, in order to maintain good social and political order. However, they both treat legal punishment as a last resort which should be restricted to as few citizens as possible (*Xunzi* 16.2, 15.4, Hsiao 2005: 114). Confucius even claims that legal punishments can only be used for the purpose avoiding using such legal punishments in the future (*Analects* 12.13). He says, 'if a moral man were to govern for a hundred years, violence and killing could be wiped out' (*Analects* 13.11).

The ultimate purpose of maintaining political order is to serve the well-being of all citizens. As discussed in the preceding chapters, early Confucians believe that serving the well-being of the citizens does not only means fulfilling the material needs of the citizens. Rather, it is also necessary to satisfy the spiritual needs of the citizens, i.e., to help citizens develop their potential moral capacities to become reasonable. Therefore, this thesis dissents a little from El Amine's arguments, and insists that in classical Confucianism, political order is just a by-product of moral cultivation, rather than its end. In other words, moral cultivation is an end in itself, and not merely a means of maintaining political order.

As discussed in Chapter 2, Confucian *Ren* statespersons are not born with superior moral abilities; their moral abilities are superior to others is because that they have made great achievements in their moral self-cultivation. According to Mencius's view of human nature (see Chapter 4), every citizen has equal potential moral abilities; all of these originate from 'the sense of compassion (*ce yin zhi xin* 惻隱之心)' with which every

citizen is born (*Mencius* 6A6). Citizens need moral cultivation in order to actualise their potential moral abilities. Specifically, moral cultivation helps citizens develop 'inner sagehood' (*nei sheng* 內聖), i.e. self-cultivation of one's true humanity and nature in order to become a moral person. It also helps citizens develop 'outward kingliness' (*wai wang* 外王), i.e. ruling the world by morality in order to keep the peace and to benefit everything in the world.

There are many ways to develop the moral abilities of the citizens. Besides moral education, some Confucians advocate studying the Confucian classics. This is because the Confucian classics have recorded the behaviours and sayings of some of the most intelligent and moral people in ancient China; as well as 'the affairs that were possible for the sages; with them, one can make heaven-and-earth constant, regulate yin and yang, rectify social norms, and promote morality' (Bol 2008: 47-48, Bell 2016: 102).

To sum up, the preceding sections have discussed three kinds of merits that Confucian *Ren* statespersons should have: intellectual ability, emotional intelligence and moral ability. These three merits can also be expressed in the words of early Confucians: benevolence, righteousness, propriety and wisdom. These terms appear many times in the Confucian classics. For early Confucians, these merits should be rooted in the 'heart' of the Confucian *Ren* statespersons.

> Mencius said, 'An extensive territory and a huge population are things a Confucian *Ren* statesperson desires, but what he delights in lies elsewhere. To stand in the centre of the state and bring peace to the people within the whole world is what a Confucian delight in, but that which he follows as his nature lies elsewhere …That which a Confucian *Ren* statesperson follows as his nature, that is to say, benevolence, righteousness, propriety and wisdom, is rooted in his heart.' (*Mencius* 7A21)

Generally speaking, in CMD, the Confucian *Ren* statespersons should not merely have intellectual abilities and emotional intelligence, but more importantly, they should have

cultivated their moral abilities to an exceedingly high degree, in order to use all their abilities to serve the well-being of all citizens 'under Heaven' (*tian xia* 天下).[151]

6.3 Confucian Examination

In CMD, another institutional arrangement for evaluating the merits of the Confucian *Ren* statespersons is the Confucian Examination. While this kind of examination seems to be a modern form of the *Keju* 科舉, it is different from the Keju in many respects. The Keju was used for recruiting political officials in Imperial China for more than 1300 years, [152] and for linking Confucianism to pre-modern socio-political life in some East Asian countries (Elman 2000, 2013a, 2013b).

6.31 The Development of the Keju

Early Confucians during the Zhou dynasty (1046-256 BCE) made the argument, unprecedented up to then, that government officials should be appointed based on the consideration of their merits, rather than race or birth. In the Western Han Dynasty (206 BCE-9CE), Emperor Wu of Han (141-87 BCE) issued an early form of the *Keju*. Some of the candidates for membership of the ruling class were required to participate in a series of examinations. A certain proportion of the officials who were to serve in the local and central governments were to be selected and promoted on the basis of their performances in the examinations. Therefore, since the time of Emperor Wu of Han, many families were motivated to provide their young boys with appropriate resources and tools for studying the Confucian classics. During the Eastern Han dynasty (25 BCE-220CE), the examinations were designed to test the political competence of candidates in more specific areas, such as foreign policy and flood control.

In the Han dynasty, there were other channels for the selection and promotion of officials. Among them, the most influential one was the so-called 'recommending the filial and the

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[151] Gan Chunsong contends that the conception of 'all under Heaven' (*tian xia* 天下) in Confucian political thought means that the Confucian *Ren* statespersons should be concerned with the welfare of all human beings in the world rather than the citizens in their country alone (Gan 2012, Fan 2013).

[152]As Max Weber points out, 'For twelve centuries social rank in China has been determined more by qualification for office than by wealth. This qualification, in turn, has been determined by education, and especially by examination' (Weber 1946: 416).

incorruptible' (*juxiaolian* 舉孝廉). In this form of selection, each district recommended two students to the Imperial College, one who was filial, and one who was incorruptible. The recommendation was primarily based on the opinions of the neighbours of the students. Any recommendations made were then approved by local officials. After several years' training, some of the students were appointed as local governors, according to their academic performance in the Imperial College. After this, any further selection for higher offices was decided on the basis of the political achievements of these local governors.

The main purpose of this method of selection is to highlight the importance of moral virtues of government officials. Most citizens living in a small community are generally more familiar with the moral characters of their neighbours than with outsiders. Hence, this 'recommending the filial and the incorruptible' method of selection, to some extent, could verify the candidates, in terms of their morality, communication skills and other abilities which are difficult to measure by means of examinations.

There are many obvious problems with this method of selection. For example, most citizens are not rational enough to always make objective and correct judgements on the moral characters of other citizens. And when considering the virtue of political candidates, most citizens risks falling into bias, on account of the positive or negative characters of their personal relationships with the candidates. Therefore, this 'recommending the filial and the incorruptible' system may arbitrarily favour a certain group of citizens over others. It risks leading to cronyism, nepotism and hereditary aristocracy. This is especially so in a Chinese political context that attaches great importance to human relationships or connections (*guanxi* 關係).

Xu Fuguan 徐複觀 points out that 'recommending the filial and the incorruptible' system leads to autocracy which conflicts with the original ideas of Confucianism; even though Confucianism was the state philosophy at that time (Liu 2001). After the Han dynasty, this 'filial and incorrupt' selection process was abandoned and replaced by the *Keju*.

The *Keju* was first established during the Sui (581-618CE) and Tang (618-907CE) dynasties. At that time, the emperors still had the ultimate authority over the selection and promotion of government officials, but in practice, one's performance in the *Keju* was largely decisive for one's final rank in the government (Elman 2000: 7). Even so, for most

of the period leading up to the end of Tang dynasty, the *Keju* failed to establish a society substantially premised upon authentically meritocratic norms and practices; since studying Confucian classics and participating in examinations were generally the privilege of aristocrats and wealthy businessmen. According to Elman, "over 90%" of the Chinese population are not eligible to take the imperial examination system because of the unequal distribution of social and educational resources (Elman 1991: 17).

During the Ming dynasty (1368-1644CE), the *Keju* was further revised and extended, in order to be both fairer and more open to ordinary people. Additional levels of examinations were added to the *Keju*. Candidates who passed their examinations at provincial or higher levels gained the opportunity to hold office or assume practical duties at different levels of the government. In addition, policy-related knowledge was tested in more specific areas, such as the mathematics of economic transactions, calculation of the official calendar, astrology and even in the explanation of natural anomalies. However, as an intellectual orthodoxy, Neo-Confucian political thought regarding morality and statecraft played a dominant role in the *Keju* curriculum during both the Ming (1368-1644CE) and the Qing (1644-1912CE) dynasties (Elman 2013a).

6.32 Practicality of Confucian Examination

The primary purpose of the *Keju* was to select officials for the emperors of Imperial China. Such emperors were the only rulers who had decisive control over the selection process. Because of this, it is tempting to argue that the *Keju* should be blamed for lending support and legitimacy to imperial rule, and for contributing to the authoritarian forms of government that were typical of Imperial China. If one were to pursue this line of argument, it would appear that the *Keju* is no longer relevant to modern times. Indeed, it is mainly for these reasons that the *Keju* was severely challenged in the late nineteenth century when Imperial China was defeated by the Western powers. In 1905, the *Keju* was abandoned in China, on account of its incompatibility with the quest for a strong and modernised state.[153]

[153] There was deep frustration, and even desperation among the Chinese during the Russo-Japanese War of 1904–5, which was fought in north-east China. Ever since then, the *Keju* has been treated as a scapegoat for China's problems and has generally been perceived as one of the main reasons for the weakness of the imperial Chinese government. In the early 20th century, the *Keju* was viewed as an obstacle to the implementation of a truly modern and universal educational system.

It is true that in Imperial China, the practice of the *Keju* served imperial rule, and was supported by the political power of the emperors. However, this should not be seen as in intrinsically negative phenomenon. For, even if some emperors used their political power in an evil manner, the political power of the emperors was not evil in itself. Jiang Qing contends that the *Keju* played a positive role in Imperial China, even it did serve imperial rule; this is because the *Keju* was appropriate for China at that time, and it was crucial to keeping social order and promoting the benefit of the citizens (Jiang 2003: 96-249). Elman also points out that the *Keju* was 'an effective cultural, social, political, and educational construction that met the needs of the dynastic bureaucracy while simultaneously supporting late imperial social structure.' (Elman 2013a).

Moreover, it is obvious that despite the anachronistic role of the emperor in the *Keju*, those who performed well in this examination system become government officials who had the political power to make decisions on public affairs. [154] Even though these political rulers were 'in principle subjected to the authority of the monarch,' it is nonetheless important to remember that 'the monarch, if only for reasons of lack of time, more often than not reigned rather than ruled' (Bell 2016: 224, Pine 2012: Chapter 2).

Some contemporary Confucian scholars, especially those in mainland China, claim that the *Keju* and other experiments with selecting talented leaders in Imperial China serve as evidence that the selection of government officials by means of Confucian examinations is not a purely idle and idealised invention. Rather, it still retains considerable value for the modern age. For example, Jiang Qing 蔣慶, Chen Ming 陳明, Daniel Bell and many other Mainland New Confucians have advocated reviving this practice in contemporary China (Bell and de-Shalit 2011: 160).

The *Keju* is a system designed not only to assist in the selection and promotion of officials for the emperors but also to evaluate the merits of the candidates in various areas, in a relatively objective and impartial manner. Therefore, the *Keju* did, to some extent, contribute to social equality and social mobility in Imperial China (this will be further discussed in the rest of this chapter). It is true that the *Keju* had many flaws. Mark Elliott

[154] In today's China, the civil service examination plays a similar role to the *Keju*. There are no separate tracks for civil servants and politicians. Those who pass the civil service examination are in a position to become civil servants and to seek future opportunities to gain the status of political rulers whose decisions may influence millions of Chinese citizens.

argues that "family connections and material resources" rather than merit are the keys to political success for "a majority" of Chinese imperial political elites who passed the *Keju* (Elliott 2012). At the end of the Qing dynasty, many official positions were bought by the rich and powerful, whether or not they succeeded or failed in the *Keju* examination. Lawrence Lok Cheung Zhang points out that this flawed *Keju* system led to an increasingly unstable political system, especially towards the end of the Qing dynasty (Zhang 2010). It would be surely inappropriate to revive the *Keju* in modern societies. But even so, the idea of the *Keju* and all the successes and failures associated with its implementation in the history of Imperial China are rich sources. Such resources can help people today to design a modern exam-based way to select political rulers (Qian 1996).

As a merit-based bureaucratic institution, the *Keju* is not feasible in modern societies partly because it relied on an authoritarian system of governance in which the emperors have the final say in the selection and promotion of government officials. However, as discussed in Chapter 2 and Chapter 3, CMD is not an authoritarian system. The only purpose of the Confucian Examination in CMD is to select the Confucian *Ren* statespersons who are subjected to *Ren* rather than to any emperors. It is thus possible for the Confucian Examination, as a modernised form of the *Keju*, to retain Confucian values and to make a positive contribution to modern societies.

Some might doubt the fairness of the Confucian Examination in reality. They might argue that the results of a process of exam-based selection are more or less arbitrary, especially when there are far more citizens taking the exams than there are positions available. The Confucian examination may not guarantee an objective and comprehensive evaluation of the various merits of the candidates. Those who pass the examination might be book-smart only and lack of practical wisdom requisite to political service.

However, it has been argued that it is impossible for any examination or exam-based selection method to be perfectly objective and comprehensive. There is a degree of unfairness with almost every examination which intends to identify the talented candidates, such as A-levels in the UK, SATs in the USA and national college entrance exams (Gaokao 高考) in today's China. Some trade-off is an unfortunate inevitability. This being so, what is required is a relatively fair and uncontroversial process for determining the content and the scores of these examinations.

In CMD, the Confucian Examination and other institutional arrangements, such as the Confucian civic education and the Confucian Academy all make a positive contribution to a relatively fair and impartial process of identifying Confucian *Ren* statespersons. As discussed above, the Confucian civic education, which helps citizens prepare for the Confucian Examination, is free, and it is open to every citizen. Those who finish the Confucian civic education and who are willing to participate in politics will be sent to the Confucian Academy for further training. They are also required to take up some practical duties at different levels of government to test their real-world political experiences, thereby, preventing any merely book-smart candidates from assuming office.

It is necessary to hold a further democratic election, featuring those who have passed the Confucian Examination. This would make it possible to see whether the potential Confucian *Ren* statespersons are 'popular' among the citizens. Moreover, because of the phenomenon of specialisation in the contemporary world, there will be different examination tracks, such as the economics track, the political science track and the natural sciences track in the Confucian Examination system, in order to make the process of identifying the Confucian *Ren* statespersons as impartial and fair as possible.

6.33 Evaluating Morality

One possible objection to the Confucian Examinations is that this kind of examination does not appear to be a reliable means of testing the moral abilities of the candidates. In Imperial China, the moral abilities of the government officials were deemed more important than their intellectual abilities. Thus, most of the *Keju* test material was focused on Confucian ethics; the implementation of the *Keju* was continually reassessed and modified, in order to better evaluate the moral abilities of the candidates. The *Keju* facilitated the connection between politics and Confucian ethics in Imperial China. This is because the imperial political institutions were heavily influenced by Confucian ethics, by means of the Confucian curriculum for selecting government officials (Elman 2000).

However, many prominent Confucian scholars in Imperial China criticised the *Keju* for failing to select candidates with superior moral abilities. For example, Lu Zhi 陸贄 (754-805 CE) argues that the *Keju* risks incentivising hypocrisy. Some of the shrewder candidates might decide to hypocritically provide morally correct answers in the examination, in order to make a pretence of virtue (Chan 2013: 45).

Zhu Xi 朱熹 (1130-1200 CE) also asserts that the *Keju* makes studying the Confucian classics a means to an end, rather than an end in itself. Thus, the *Keju* was biased towards the selection of the book-smart candidates, rather than the virtuous (Zhu 1990: 19). Zhu suggests that what the *Keju* should be test is not the candidate's knowledge of the Confucian classics, but the value of the candidate's own interpretations of the Confucian classics (Xiao and Li 2013: 354). [155]

Huang Zongxi 黃宗羲 (1610-1695 CE) holds a similar view. He points out that the *Keju* merely tests the ability of the candidates to memorise the Confucian classics and the subsequent commentaries; it does not help to assess the capacity for independent thought. Thus, Huang advocates that *Keju* should require the candidates to provide their own opinions, and to let their own individual personalities shine through; instead of restating the opinion of established authorities (Huang [1663] 2016: 71). Huang condemns the *Keju* of his day for rewarding superficiality and plagiarism. It fails to evaluate the moral abilities of the candidates. (ibid. 67)

It seems extremely difficult to objectively evaluate the moral behaviour of the Confucian Examination candidates. There is no way to systematically measure someone's virtues, e.g., their willingness to sacrifice their own self-interest for the well-being of others, purely by analysing the answer they have provided in an examination. However, even if the Confucian Examination cannot guarantee a perfect test of the moral abilities of the candidates, each candidate's performance in the Confucian Examination does reflect some of the moral virtues of the candidates.

Firstly, as discussed above, the candidates who are preparing for the Confucian Examination are motivated to study the texts in the Confucian classics. These texts represent a comprehensive body of knowledge about ethics. These texts also furnish many positive moral examples from a vast array of role models. The process of gaining knowledge from these texts has the potential to exercise a very positive effect on the moral cultivation of the candidates.

[155] Although he recognised many problems with the *Keju*, Zhu Xi still believed that the Imperial civil examination systems were a necessary method for selecting officials (De Weerdt 2007: 385).

Secondly, in order to pass the Confucian Examination, the candidates need to try their best to internalise Confucian ethics on an intuitive level. If they succeed in doing this, these ethics will profoundly influence their moral characters. So, to some extent, it is possible to evaluate one's moral abilities by testing one's knowledge of Confucian ethics.

Thirdly, in order to perform better in the Confucian examinations, a candidate should not only have superior intellectual abilities, but also certain virtues, such as persistence and self-discipline. These are relevant considerations in the assessment of the moral abilities of the candidate.[156] Therefore, the Confucian Examination has the potential to test some of the moral abilities of the candidates, even if such moral abilities are not tested in a perfectly comprehensive and rigorous manner.

There are some other institutional arrangements in CMD which also provide opportunities to assess the real moral virtue of the candidates. In the Song dynasty (960–1279), those who successfully passed the *Keju* received further tests and evaluations, before being appointed to government posts. An outstanding academic performance in the *Keju* was not in itself a guarantee of a good official career in the Song dynasty. Similarly, in CMD, candidates for the Confucian *Ren* statespersons are required to undergo a period of further assessment after they pass the Confucian Examinations. Only by observing the behaviours and motives of the candidates in a practical socio-political context, is it possible to assess their moral abilities; as Confucius says, 'See what a man does. Watch his motives. Examine on what things he rests. How can a man conceal his character?' (*Analects* 2.10).

6.34 Possible Dissatisfactions

Another possible objection to the Confucian Examination is that even though the Confucian Examination might be a good way of selecting and evaluating the merits of the Confucian *Ren* statespersons, it could still serve as an excuse for the elites to exclude a certain proportion of the citizens from direct participation in the political decision-making process. In other words, the Confucian Examination may deprive some citizens of their

[156] The moral abilities of the candidates can be exemplified in many ways; not just in their examination answers. In Imperial China, when making judgements on the moral ability of the candidates, the *Keju* examiners even took the handwriting of the candidates into consideration (Xiao and Li 2013: 354).

'positive liberty' of direct political participation; this will eventually result in an entrenched hierarchy (Berlin 1958).

However, the preceding chapters have argued that in real political practice, the direct political participation of the citizens is neither a necessary nor a sufficient condition for improving their well-being. In theory, if Confucian *Ren* statespersons meet the requirements of *Ren*, i. e., if they always make reasonable political decisions to serve the well-being of all citizens, CMD is not illegitimate. Provided the Confucian *Ren* statespersons scrupulously follow *Ren*, they do not necessarily fail to promote political equality, even though most of the citizens in CMD can only participate in political decision-making about 'strictly local' matters.

Nevertheless, it might be argued in response that it is highly likely that the disenfranchisement of some citizens will breed misunderstanding and hatred.[157] Therefore, the Confucian Examination is objectionable as it fails to protect the spiritual well-being of the citizens. Moreover, if, as argued above, the Confucian Examination is capable of evaluating the merits of the candidates in a relatively objective manner, then those who pass the examination will surely enjoy high social status and prestige, regardless of whether they become the Confucian *Ren* statespersons or not. Therefore, many citizens in CMD would be motivated to participate in the examination especially when the Confucian civic education is free and open to every citizen. However, if there is an ever-increasing number of candidates participating in the Confucian examination, this will inevitably exert a high degree of pressure on the examination system (Elman 2013a). The increasingly tough competition associated with the Confucian Examination risks causing widespread dissatisfaction among the citizens, especially among those who fail the examination, and who thereby do not succeed in becoming Confucian *Ren* statespersons. Therefore, some may object to the prospect of the Confucian Examination by arguing that such mass dissatisfaction may threaten the legitimacy and stability of the state.

The rest of this section will answer the above objections from three different angles.

[157] Benjamin Olken has conducted some research in Indonesia. He concluded that popular participation usually leads to policies similar to those made without direct participation but make citizens feel much happier about the policies undertaken (Olken 2010).

Firstly, these problems relating to the exam-based selection of political officials exist mainly on account of lacking channels for diverting the talents of the various candidates into appropriate and relevant forms of socio-political engagement (Qian 1996: 156-157). So, in CMD, it is possible to solve these problems by providing more professional opportunities for those who fail the Confucian Examination, rather than merely abandoning the examination. Moreover, as discussed above, the Confucian Examination serves the purpose of selecting Confucian *Ren* statespersons and improving the various abilities of most citizens; rather than keeping non-elites out of politics. In CMD, even though only a few citizens can become the Confucian *Ren* statespersons, every citizen can participate in making political decisions about 'strictly local' matters. Those unsuccessful Confucian Examination candidates, who may not be fully capable of making reasonable political decisions about the entire state, can successfully pursue an alternative career by taking advantage of the skills and knowledge they gained during their preparations for the Confucian Examination. In Imperial China, Confucian classical learning was the main curriculum undergirding the *Keju;* most of the candidates had outstanding literary talent because they spent years preparing for the *Keju*. So even if some of them failed in their quest to become government officials, they were still able to make their fortune and gain prestige by other means: such as by writing poems, dramas, novels and even medical handbooks.

Secondly, the Confucian civic education and the Confucian Examination in CMD help citizens develop a sense of respect for the Confucian *Ren* statespersons. The reason that Confucian *Ren* statespersons have opportunities to participate in the political decision-making directly is that they have made great achievements in moral self-cultivation and finished the Confucian civic education successfully. They have already proved their intellectual and moral superiority through the Confucian Examinations and other complementary institutional arrangements in CMD. By valuing such excellence and achievements, CMD helps citizens to understand that any opportunities to make the influential political decisions that concerned the entire country should be earned, and not demanded as of right. Political decision-making should be considered a deeply prestigious vocation, which confers honour and respect on those involved in it. Daniel Bell used a similar argument to defend his Confucian political blueprint; he advocates respect for the authorities, who have been selected because they are the most virtuous citizens (Bell 2006).

Moreover, as discussed in Chapter 3, early Confucians do not prioritise the use of political force. Instead, moral persuasion is the key tool of statecraft. In CMD, the imperative of moral persuasion requires the Confucian *Ren* statespersons to, firstly, establish themselves as good examples for the citizens to follow, before insisting that others behave virtuously. Because of this, it is perfectly possible for most citizens in CMD to respect the Confucian *Ren* statespersons. This respect could eventually lead those who fail the Confucian Examination to willingly permit the Confucian *Ren* statespersons to make some important political decisions on their behalf.

Thirdly, in CMD, the most obvious difference between the Confucian Examination in CMD and the *Keju* in Imperial China is that the Confucian Examination is free and open to every citizen. No citizen in CMD, even if they are rich or powerful, is to have any privileges in the Confucian Examination. As discussed in the previous chapters, modern democratic societies often have disparities in access to positions of political authority, regarding difficulty and cost. One of the main purposes of the Confucian Examination is to broaden access to government positions among citizens from many different classes backgrounds. This will help a relatively high number of citizens to seek the opportunity to become respected political officials. Therefore, in CMD, there are no unequal legal or structural barriers for citizens to acquire the information, education or training that are relevant to the Confucian Examination. And there are no property qualifications or arbitrary prerequisites for citizens who wish to participate in the Confucian Examination. All of this suggests that under a well-regulated CMD system, every citizen has an equal opportunity to become a Confucian *Ren* statesperson; thus, an encrusted hierarchy of privileged powerhouses is less likely to develop. Even if a lack of opportunities to directly participate in making some important political decisions gives rise dissatisfaction among some citizens, such discontentment is highly likely to be dispelled by the upward mobility to which the Confucian Examination contributes.

In Imperial China, social mobility was not a goal of the emperors and ministers. However, one unexpected consequence of the *Keju* system was that it motivated the citizens to seek upward mobility. The citizens knew that regardless of their class background, they all had the opportunity to become government officials, by means of the *Keju*, as long as they studied hard. As a poem by one early Confucian scholar says, ‘one can be a farmer in the morning, and a minister in the emperor’s palace in the evening (if he passes the *Keju*).’ Qian Mu points out that the *Keju* helped to cultivate the citizens, by motivating them to

study the Confucian classics. But besides this, it has a potential to alleviate the problem of social classes, by making the hierarchy mobile, rather than fixed and static (Qian 1996: 405-406).

To sum up, the Confucian civic education and the Confucian Examination are valuable, as they make it possible to select Confucian *Ren* statespersons in a relatively fair and impartial manner. Besides this, they facilitate the development of the intellectual and moral abilities of the citizens, who are then in a position to utilise their abilities, for various political or non-political purposes. Because of this, citizens can avail of a wide range of opportunities to gain a higher place in the social hierarchy. This encourages upward mobility and contributes to a healthy 'social circulation,' which has the potential to mitigate any dissatisfaction felt by those who have failed in becoming Confucian *Ren* statespersons, and who have thereby lost their opportunity to directly participate in making some influential political decisions that concerned the entire state.

6.4 Confucian Parliament

Some may point out that even if one were to prove one's own intellectual and moral superiority by means of the Confucian Examination and other meritocratic selection processes, it is still possible that one's characters may change, and one may end up abusing one's power after taking office. Montesquieu states that 'constant experience shows us that every man invested with power is apt to abuse it, and to carry his authority as far as it will go' (Montesquieu 1949: 150).

It has been argued that even a moral leader needs to be restrained. For, as Arendt argues, virtue is also a form of power, which should be kept in check, in order to avoid being abused (Arendt 2006: 143). In non-ideal situations, if the rulers are unconstrained, there is always a distinct risk that they may fall victims to their own self-interest. John Stuart Mill contends that there are extraordinary faculties and energies required for a good ruler, and so we can hardly imagine anyone as consenting to undertake it (Mill [1861] 2010: Chap.3).[158]

[158] Mill is against the saying that 'if a good despot could be ensured, despotic monarchy would be the best form of government.' He believes that good despots are extremely rare, and that despots inevitably derive their subjects of necessary opportunities for the development of their thinking and active faculties (Mill [1861] 2010: Chapter 3). However, Mill also claims that 'despotism is a legitimate form of government when dealing with barbarians.' He offers a different version of 'a good despot' in his justification of the

Therefore, in modern societies, relying on a group of good statespersons alone cannot guarantee a good government. In other words, purely focusing on the selection of the Confucian *Ren* statespersons would undermine the viability of CMD in modern societies, as it would show such system to be incapable of managing the challenges in reality. Therefore, CMD requires certain democratic institutional arrangements, such as a 'Confucian Parliament,' which are capable of checking and balancing the meritocratic institutional arrangements discussed above.

Huang Zongxi proposes a 'parliament of scholars,' composed of established Confucian scholars who have been selected on the grounds of their examination success (Huang [1663] 2016: 42-64). Daniel Bell modifies Huang's proposal, and suggests that there can be two houses: a Huang-style Confucian meritocratic house composed of members selected by competitive examinations and 'a democratic house composed of representatives selected by competitive elections.' For Bell, the democratic house represents the interests of voters, while the members of the meritocratic house protect the interests of non-voters by having 'veto power over any policies that it judges harm the interests of future generations' (Bell 2016: 51).

In CMD, the Confucian Parliament combines Bell's two houses. Half of the members of the Confucian Parliament are made up of those who did not pass the Confucian examination, or who failed to achieve the level of attainment expected of the Confucian *Ren* statesperson, but who nonetheless possess the second-best level of moral and intellectual abilities.

The other half of the members of the Confucian Parliament should be democratically elected representatives from different communities. In order to avoid the problems of partisanship in modern democratic societies, as discussed in the previous chapters, an agreed number of democratically elected representatives in the Confucian Parliament shall be assigned to different civil organisations and communities. [159] Chapter 4 has

East Indian Company's management of Indian affairs (Ryan 2012: 358-359). Mill does not offer any clear explanation about why Indian people are barbarians and do not know how to govern themselves like British people. It seems 'a good despot' is legitimate as long as he facilitates the improvement of his subjects.

[159] The philosopher Kwasi Wiredu also argues that a consensus system without a party arrangement is a form of government better than the one with competing political parties. a better form of democratic government To avoid multi-party competition, Wiredu further proposes assigning a certain number of representatives to different civil organisations (Wiredu 2001: 227-244).

argued that according to the Confucian conception of political rights, citizens in CMD should only participate in making political decisions about 'strictly local' matters in their own communities. These communities must be relatively small in scale, to increase the likelihood that they can make reasonable political decisions when voting for their representatives, and to improve the chances of fostering a community-based consensus about who will make a suitable representative in the Confucian Parliament.

Thus, even though there is a large gap between the ideal and the reality, it is not unrealistic to strive for such 'democracy by consensus' in relatively small communities where the political issues are not complex, most citizens are familiar with the candidates, and there is a strong sense of community. To avoid partisan politics, competitive elections should be held only within local communities. Outside of this arrangement, any open competition by political parties would be forbidden.

CMD requires fair and free democratic elections at the local community level. This is because democratic elections have a very important symbolic and ritual effect, and have thus played an important civilising role in modern societies. However, as discussed in Chapter 2, an early Confucian living in the world today might appear to have one major concern about the civilising role of democratic elections, i.e., that citizens, through direct participation in politics, may lose respect and trust for the experienced and the knowledgeable.

For example, in the British EU membership referendum, the 'Remain campaign' was supported by most political, economic and security experts and authorities; however, a large proportion of the British citizens who voted in the referendum still believed they would make better decisions than those experts and authorities, with regard to whether remaining or leaving the EU would promote their own interests. The result of this referendum, which disappointed most British cabinet ministers (including the prime minister, and a majority of MPs), implies that many British citizens do not trust the judgement of their political leaders on most of the economic, foreign policy and security issues discussed in the campaign, even though many of these issues are complicated and beyond the comprehension of most citizens.

Therefore, CMD not merely needs the Confucian Parliament. In addition to this, it is necessary to have the Confucian civic education for all, further training for potential

Confucian *Ren* state statespersons in the Confucian Academy, as well as a fair selection process for Confucian *Ren* statespersons on the basis of the Confucian Examination. This is because, as discussed above, these meritocratic institutional arrangements motivate citizens to improve their moral and political competence and to participate in public affairs. On account of this, such meritocratic institutional arrangements help citizens to make reasonable political decisions and thus have the potential to create social and political conditions that are conducive to a constructive democratic election process in local communities.

The selected and elected members of the Confucian Parliament are responsible for scrutinising political decisions made by the Confucian *Ren* statespersons. They are obliged to ask the Confucian *Ren* statespersons questions, to meet with them, and to debate important social and political issues. Any changes to the political decisions made by the Confucian *Ren* statespersons require a simple majority of those present and voting in the Confucian Parliament. Impeaching a Confucian *Ren* statesperson requires the votes of two-thirds of members of the Confucian Parliament.

The Confucian Parliament serves as an important institutional arrangement for preventing the Confucian *Ren* statespersons from abusing power and also for weeding out incompetent statespersons. It also helps motivate the Confucian *Ren* statespersons to always make reasonable political decisions for the well-being of all the citizens. In addition, it provides the elected and selected members of the Confucian parliament with opportunities to express their political opinions, especially political dissent. The Confucian *Ren* statespersons are required to address objections, and they cannot merely charge those who object them with not being reasonable, for then CMD would be a paternalistic regime. The Confucian Ren statespersons have obligations to treat dissent seriously and to provide a conscientious reply. This gives the Confucian Parliament members a chance to constructively influence the political decisions made by the Confucian *Ren* statespersons.

It may also make the political authority of the Confucian *Ren* statespersons more acceptable, as citizens in CMD will feel that their opinions do matter and that the power of their political leaders is limited and constrained by the Confucian Parliament. The Confucian Parliament also serves as a major recall mechanism; as the parliament members are able to vote out incompetent statespersons.

6.5 The Normative and Practical Aim of Confucian Meritocratic Democracy

The democratic institutional arrangements of CMD are founded upon the assumption that it is extremely difficult for someone to become a perfect Confucian *Ren* statesperson in reality. Therefore, the democratic institutional arrangements of CMD, such as the Confucian Parliament, discussed in the previous section appear to be in conflict with the aim of CMD. Specifically, as discussed in the previous chapters, the theory of CMD is founded upon the Confucian conceptions of political authority, political rights and political equality; such conceptions aim to construct a vision of how a state should be ruled by the Confucian *Ren* statespersons, who can always make reasonable political decisions to promote the interests of others, rather than their own self-interest.

Here, it is necessary to make a distinction between the normative theory and the practical theory in classical Confucianism. Early Confucians suggest that there are normative principles, which are fact-free and abstract, as well as practical principles, which are context-sensitive and are bound by facts. When these two types of principles conflict with each other, early Confucians are not inclined to insist upon a strict adherence to normative principles alone. Because of this, two themes, *jing* 經 and *quan* 權, are commonly found throughout the Confucian classics.

For example, Mencius says:

> If a man's sister-in-law were drowning and the man did not save her, he would be a beast. That men and women should not touch in handing something to one another is the ritual, but to save his sister-in-law from drowning by using his hand is discretion (*quan* 權). (*Mencius* 4A17)

Here, *quan* 權 is contrasted with the rituals or *jing* 經 (core codes) which require a man not to touch his sister-in-law's hands. *Jing* 經 refers to normative principles which are not bound by facts. While *quan* 權 means discretion in a particular context. In most early Confucians' discussions about specific situations in reality, *jing* is always subject to *quan* (Norden 2007: 59).

Accordingly, there are normative and practical aims of CMD. The normative aim is to serve the well-being of all citizens by putting the responsibility for political decision-making into the hands of the Confucian *Ren* statespersons. The practical aim is to help all citizens to make reasonable political decisions in order to prevent unreasonable political officials from taking office.

The normative aim of CMD appears to be incompatible with modern democracy, as it advocates 'rule by the reasonable' rather than 'rule by the people.' However, the practical aim of CMD is absolutely compatible with the practical aim of modern democracy, which is to serve the well-being of all citizens, by preventing intellectually or morally incompetent politicians from taking offices.

In non-ideal situations, it is much more likely to fulfil the practical aim of CMD, in comparison to its normative aim. This is because, in non-ideal situations, it is exceedingly difficult to find a perfect Confucian *Ren* statesperson possessing all the merits needed to implement '*Ren* government.' Even if there were some citizens who are qualified to be Confucian *Ren* statespersons, it would be highly unlikely to guarantee that their characters will not change after taking office.

Therefore, when considering the practice of CMD in reality, Confucians would agree that the normative aim (*jing* 經) of CMD is subject to its practical aim (*quan* 權). On account of this, the democratic institutional arrangements discussed above do not conflict with CMD, but rather helps to achieve the practical aim of CMD.

Now the question is 'is the normative aim of CMD false or invaluable if a flawless achievement of such aim in reality seems an unlikely prospect?' The words of Machiavelli offer a compelling characterisation of this doubt:

> It appears to me more appropriate to follow up the real truth of a matter than the imagination of it; for many have pictured republics and principalities which in fact have never been known or seen, because how one lives is so far distant from how one ought to live, that he who neglects what is done for what ought to be done, sooner effects his ruin than his preservation.' (Machiavelli 2008: Chap.XV)

The normative aim of CMD, i.e., 'rule by the reasonable' is not something people have seen, and it might even appear unlikely to ever see it. Therefore, at least from Machiavelli's perspective, the CMD might not be 'the real truth of the matter.' Some modern political theorists are also concerned with the feasibility of political theories and impose likelihood constraints on normative political theories (Räikkä 1998: 27-40, Gilabert and Lawford-Smith 2012: 809-825). On the basis of this 'likelihood constraints,' they object to any normative political theories, which 'does not represent an ideal of political life that is achievable under even the most favourable circumstances possible' (Galston 2010:385).

However, some political philosophers hold a different opinion. For example, David Estlund argues that the truth about political theories is not constrained by considerations about whether or not the theories are likely to be successfully realised. A political theory can be valuable and important; even it is not feasible, even under the most favourable circumstances (Estlund 2014: 113-134).

In his examination of the Rawlsian view of the comprehensive fact-sensitivity of principles, G.A. Cohen makes a clear distinction between 'the fact-bound principles and the fact-free principles' (Cohen 2008: 20). He argues that the fact-bound principles are founded upon the 'fundamental principles' that do not reflect facts (ibid. 268-270).

Taking up an insight of Estlund and Cohen, the normative aim of CMD is valuable, even though it is not bound by any facts. This is because such normative aim is the 'fundamental principle' on which the practical aim of CMD rests. Moreover, the normative aim of CMD is an abstract conception that sheds light on the nature of Confucian political thought. Many modern political philosophers attach great importance to abstraction in political theories. For example, Rawls contends that the work of abstraction:

> Is a way of continuing public discussion when shared understandings of lesser generality have broken down… formulating idealized, which is to say abstract, conceptions of society and person connected with those fundamental ideas is essential to finding a reasonable political conception of justice. (Rawls 1996: 45-46)

Onora O'Neill defends the necessity of abstraction in normative theorising by distinguishing 'abstraction' from 'idealisation.' She points out that abstract principles omit 'much that is true of human agents,' while idealised principles add 'much that is false of human agents' (O'Neill 1987: 56). O'Neill argues that those who object to abstraction often confuse abstraction with idealisation. Political philosophers should reject idealisation rather than abstraction, as the idealised principles assume capacities that actual human beings lack and thus are 'irrelevant to human choosing' (ibid.56). O'Neill indicates that abstraction is 'theoretically and practically unavoidable' (O'Neill 1996: 40). This is because:

> First, abstraction is, taken strictly, unavoidable in all reasoning: no use of language can be fully determinate. Second, abstraction is not always objected to in practical reasoning…Third, only abstract principles are likely to have wide scope: if ethical principles are to be relevant to a wide range of situations or of agents, they surely not merely may but must be abstract. (O'Neill 1987:55)

Taking an insight from O'Neill, the normative aim of CMD is an abstract aim and thus is not objectionable. Such aim might be a 'false' idealised aim if early Confucians had ever claimed that actual citizens have the capacity to become Confucian *Ren* statespersons. But they did not say that (see Chapter 2). As discussed in Chapter 2, early Confucians also suggest that a good ruler who can always meet the requirements of *Ren* is extremely rare in reality, and has not been found to exist since Ancient Three Dynasties (San Dai 三代 Xia, Shang, and Zhou) (ca.2100BCE-256BCE). Mencius once stated that a good ruler should arise every five hundred years, but he then complained that 'it had been seven hundred years without a good ruler since the dawn of the Zhou dynasty till now' (*Mencius* 2B13).

The normative aim of CMD might be an unachievable idealised aim or 'irrelevant to human choosing,' if becoming a Confucian *Ren* statesperson were somehow beyond the potential capacities of human beings. However, as already stated in Chapter 2 and Chapter 4, this is not the case. Early Confucians claimed that every citizen has equal potential to become a Confucian *Ren* statesperson. It is certain that there are many potentialities among the citizens that are extremely difficult to perfectly actualise in reality.

To sum up, the main purpose of all the institutional arrangements in CMD discussed above is to enable a mutual checking and balancing of the principles of 'rule by the reasonable' and 'rule by the people,' and to thus achieve the practical aim of CMD. The practical aim of CMD is founded upon the normative aim of CMD and is essentially compatible with the practical aim of modern democracy. Therefore, CMD is more like a middle way between Confucian meritocracy and excessive democracy.

Some may object the viability of CMD by arguing that the history of democratisation has shown the difficulty of standing still on a desirable middle ground without sliding to the extreme. This possibility cannot be dismissed outright, but such an intuitive insight must ultimately await rigorous empirical investigation. Thus, it is better to provisionally bracket this controversial historical speculation. If one holds a positive view of the role of the state in helping citizens to make reasonable political decisions, one ought to see clearly that the institutional arrangements of CMD have the potential to assist addressing some challenges that modern democratic societies are facing.

7. Conclusion

It is useful to summarise the key points of this thesis, by way of conclusion. Drawing on perspectives from classical Confucianism and academic democratic theories, this thesis envisions a Confucian meritocratic form of democratic government: Confucian Meritocratic Democracy, or CMD. This thesis began by tackling various philosophical questions concerning the pursuit of the political truths that are embodied in *Ren*; the source of the political authority of the Confucian *Ren* statespersons; the political right to participate in making political decisions about 'strictly local' matters; equal participation of all citizens in political reflections. Finally, it has delved into some hypothetical institutional arrangements of CMD.

In order to argue that CMD is viable in certain situations, this thesis develops two paths of theorising. One path reveals the theoretical and practical problems facing the justification and operation of certain normative democratic principles pertaining to political authority, political rights and political equality. Another path demonstrates that the Confucian conceptions of political authority, political rights and political equality are compatible with the practical aim of democracy.

7.1 Theoretical Contributions to Modern Democracy

This thesis has made two main theoretical contributions.

Firstly, this thesis raises doubts about the purely normative approach towards justifying the superiority of democracy over other plausible forms of government. According to such an approach, the question of whether or not democracy is effective and efficient in achieving its practical aim of serving the well-being of all citizens is not relevant to the justification of the superiority of democracy. What matters are not the instrumental values of democracy, but the intrinsic values of democracy. Democracy is better than other plausible forms of government, insofar as it meets the requirements of certain core normative democratic principles upon which the intrinsic values of democracy are founded. Such intrinsic values include procedural fairness; political authority that is justified by general acceptability or 'consent;' political rights that safeguard individual autonomy; political equality based on egalitarian participation in political decision-making.

However, this thesis has sought to show that these core normative democratic principles are not self-evidently valid and applicable in all cases. Even if these principles are universal truths, it is extremely difficult for modern democracies to meet the requirements of these normative democratic principles; both in ideal and non-ideal situations. Even if modern democracies are in a position to fulfil the requirements set by these normative democratic principles, this cannot in itself guarantee the promotion of the intrinsic values of democracy that are embodied in such normative principles. Therefore, the superiority of democracy is not necessarily dependent upon the normative democratic principles that are often used to justify the intrinsic values of democracy.

Moreover, considering the real political situation in modern democratic societies, equal participation of all the citizens in the democratic procedures of political decision-making is best understood as the means by which citizens can express their opinions about which political decisions are reasonable enough to serve the well-being of all the citizens. It is not always necessary to understand such participation in terms of self-expression of individual preferences for certain normative democratic principles. Nor does such participation imply that the citizens necessarily hold any particular beliefs in the intrinsic values of democracy. It is plausible that in modern societies, citizens are more likely to care about the instrumental values of democracy much more than its intrinsic values; when facing economic crises, political uncertainties and terrorism. This is especially so, if the citizens do not have a Western cultural background, or are not very familiar with the ideals of the Enlightenment. Therefore, it is possible for citizens to endorse democracy without even acknowledging the underlying normative democratic principles.

It has been argued that the normative democratic principles are capable of representing the intrinsic values of democracy, and they also offer opportunities for rectifying democratic institutional arrangements for the purposes of achieving particular practical aims of democracy. However, it is problematic to justify the superiority of democracy in theory by purely appealing to the normative democratic principles; nor can these principles constitute a conclusive endorsement of democracy in practice.

Secondly, this thesis facilitates awareness of the democratic and meritocratic political proposals of early Confucians; these proposals are capable of providing alternative conceptions of political authority, political rights and political equality. This thesis has

argued that while these conceptions are not founded upon certain normative democratic principles, they are nonetheless compatible with the practical aims that such normative democratic principles intend to achieve. Moreover, these Confucian conceptions have the potential to offer theoretical tools for tackling some political problems in modern democracies, such as 'voter ignorance' and partisan politics; these Confucian conceptions can also serve as an inspiration for constructing reliable and acceptable normative standards for evaluating political decisions in modern democratic societies.

Specifically, in classical Confucianism, *Ren* 仁 refers to the totality of relationship-based virtues that make it possible for citizens to make reasonable political decisions. No one can fully grasp the political truths embodied in *Ren*, nor can anyone meet all the requirements of *Ren* with perfection. However, for early Confucians, every citizen has an equal innate capacity to know and to practice *Ren*; every citizen has an equal potential to engage in the development of their equal innate capacities. In reality, citizens often have different actual capacities, and this is mainly dependent upon their own individual process of self-cultivation. Early Confucian views of social equality treat every citizen with unequal social status and different actual capacities as moral equals, by recognising their equal potentiality in principle. Moreover, such views require that state should provide every citizen with an equal opportunity for political reflections, in order to develop their equal innate political capacities.

Some citizens, who are well-educated and have made great achievements in self-cultivation, can be closer to *Ren*. This means that they know and are capable of practising the political truths embodied in *Ren* much better than others. Such citizens are then able to become Confucian *Ren* statespersons (*Junzi* 君子). They are responsible for making political decisions that will influence the well-being of all citizens in the entire country; However, in doing so, they are supposed to make all political decisions in accordance with the requirements of *Ren* rather than with their own personal attitudes or judgements. Early Confucians claim that *Ren* is created and interpreted by the Mandate of Heaven (tianming 天命). They also insist that in real political practice, the apparently complicated and ambiguous Mandate of Heaven (tianming 天命) is ultimately revealed by the attitudes of all citizens.

The implementation of the political decisions made by the Confucian *Ren* statespersons relies upon Confucian moral persuasion, rather than upon coercive political power. According to the Confucian conception of political authority, the legitimacy of the political authority of the Confucian Ren statespersons is founded upon 'service' and 'reciprocity.' 'Service' means that serving the well-being of all citizens is a necessary but not sufficient condition for the legitimacy of the political authority. 'Reciprocity' means that the existence of reciprocal relationships between the Confucian *Ren* statespersons and their fellow citizens and between the citizens is a sufficient but not necessary condition for the legitimacy of the political authority. Therefore, unlike the democratic conception of political authority which rests on the equal participation of all citizens in the political decision-making process, the Confucian conception of political authority prioritises mutual contribution towards the existence of sufficient means to enable flourishing lives for all the citizens. Moreover, the Confucian concern with 'service' and 'reciprocity' facilitates mutual trust between all the citizens, and thus helps the citizens to make reasonable political decisions that serve the interests of their fellow citizens; rather than their self-interest alone.

In early Confucian views of self-interest and human nature, every citizen should reasonably pursue their own self-interest, and every citizen, by nature, can be reasonable; i.e., they can all be altruistic enough to sacrifice their self-interest for the well-being of their fellow citizens. Thus, the Confucian conception of political rights, which is founded upon early Confucian views of self-interest, endorses the political rights of all citizens to participate in making political decisions about 'strictly local' matters. The matter is strictly local if and only if it is within the intellectual and moral capabilities of local citizens to make reasonable political decisions that promote the self-interest of others and to contribute towards maintaining diverse and harmonious relations in the local communities. Unlike the democratic conception of political rights, the Confucian conception of political rights is only applied to the local community level, in order to avoid party politics and to help most citizens to make reasonable political decisions. Both the Confucian conception of political rights and the democratic conception of political rights aim at protecting the self-interest of the citizens from any infringement on the part of those with political power.

In order to help most citizens to make reasonable political decisions, the Confucian conception of political equality is mainly concerned with ensuring all citizens can engage

in political reflections on an equal basis. Such a conception does not entail a rejection of the equal participation in political decision-making processes. Rather, it advocates that the equal participation in political reflections is both practically and morally prior to the equal participation in political decision-making, or 'one person, one vote.' Specifically, political reflections help citizens to develop their potential capacities to make reasonable judgements about which political decisions will in a better position to correspond with their own moral beliefs, to satisfy their political aspirations, and to promote their own substantive interests. The citizens who have unequal capacities to make reasonable political decisions are highly unlikely to exert equal political influence over the process of political decision-making, even though they had equal opportunities to participate in such process. Moreover, equal participation in political reflections generates a moral obligation for the citizens to respect one another's equal potential capacities, and to treat one another as moral equals.

By offering the alternative conceptions of political authority, political rights and political equality, and stressing the importance of helping citizens to make reasonable political decisions, the theory of CMD is capable of making positive contributions to the justification of the superiority of modern democracy and to address some particular challenges faced by modern democratic societies.

7.2 Potential Contribution to Political Reform in Mainland China

This thesis has argued that while CMD is compatible with the practical aims of democracy, it retains some core moral and political principles, which are derived from classical Confucianism. The theory of CMD presents the instrumental and intrinsic values of democracy in a way that would be intelligible and acceptable to Chinese citizens, who have generally been deeply influenced by Confucianism. Thus, in terms of real political practice, the theory of CMD has considerable potential to play a constructive role in the future democratisation in mainland China.

Some may argue that the theory of CMD, which integrates classical Confucianism with academic democratic theories, will not facilitate the process of democratisation in mainland China. This is because the theory of democracy and the promotion of democracy in human history are two different things. The latter embodies many features that are quite contingent, and proper to Western culture specifically. However, the

traditional China, which had been under the influence of classical Confucianism for so long, never developed a real democracy. Because of this, some scholars believe that even if classical Confucianism is potentially reconcilable with the theory of democracy, it is not in a position to facilitate the promotion of democracy in modern China. However, this view is problematic for several reasons.

Firstly, it is unclear whether the promotion of democracy is a culturally-relative concern. There are many complicated issues in the process of promoting democracy, all of which involve various social, economic and political factors. These problems cannot be all explained away purely by cultural factors. The process of promoting democracy does not have to be conducted in accordance with a particular kind of culture (Hall 2005). Even if a Western culture has traditionally played a fundamental role in the promotion of democracy, this only means that this culture has succeeded in promoting democracy more effectively than other cultures in specific contexts. As already discussed in Chapter 6 of this thesis, an endorsement of democratic institutional arrangements needs not necessarily be premised upon a particular Western culture. Moreover, any particular endorsement of democratic institutional arrangements that is derived from a Western cultural background need not rigidly determine the manner in which citizens influenced by Confucian culture should understand and endorse democracy.

Secondly, the history of modern democracy shows that many processes of promoting democracy are not democratic and that many undemocratic actions against democracy are tolerated and even endorsed by the pro-democracy camp (McGuire and Dittmer 2011). In modern Chinese history, many activists who support democratic institutional arrangement are Confucians (Wang 2003: 68–89). The distinguished sinologist Ying-shih Yu 余英時 contends that many Confucian scholars in the late Qing dynasty endorsed democracy; he suggests that Confucian culture at that time was 'more receptive than hostile to the idea of democracy' (Yu 1997: 207). In Joseph Chan's view, the endorsement of democracy on the part of such Confucian scholars demonstrates that some Confucian scholars have indeed believed that democratic institutional arrangements were capable of promoting their Confucian values more effectively than their own traditional political system (Chan 2007: 189).

Thirdly, a careful consideration of the reality of some East Asian Countries and regions will show that Confucianism may be of assistance in promoting democracy. For example,

the contemporary democratic political systems in South Korea and Taiwan are profoundly influenced by Confucian culture. Many political scholars from South Korea and Taiwan argue that Confucian political thought, especially those about '*Ren* government,' are consistent with democratic institutional arrangements and are therefore of assistance in promoting modern democracy (Cheng and Chu 2017, Kim 2017, 2016, 2014, Shin and Sin 2012, Tu 2002, 1996)

One might also argue that even if classical Confucianism has the potential to promote democracy in practice, it may not be of much help in aiding the process of democratisation in mainland China today. This is because classical Confucianism is no longer the dominant culture in contemporary China.

Demonised during the 'May Fourth Movement' (1919) as the crown jewel of feudalism, Confucianism in China was systematically targeted after the end of the Qing dynasty. It was also severely suppressed after the founding of the People's Republic of China, and even purged during the Cultural Revolution (1966-1976). Today, because of the influence of modernisation and Western Culture, most Chinese people do not have a belief in Confucianism; this is especially true of young people (Huang 1999). Ying-shih Yu余英時 states that in modern days, 'Confucianism has become a "wandering soul (*youhun* 遊魂)" since its death'（Yu 1998:233）.

However, it is important to recognise that Yu is only discussing the 'death' of institutional Confucianism rather than social Confucianism. Even though institutional Confucianism has perished since the late Qing dynasty, social Confucianism still exists in the form of moral principles and norms which govern social behaviours in the daily lives of Chinese and other citizens in many East Asian countries and regions (Gan 2003, King 1992).

Contemporary Confucian scholar Li Minghui李明輝 argues that Confucianism survives at a 'deep-level' (Li 2001b: 8). Some prominent empirical studies from social scientists also points out that even though most modern Chinese citizens do not admit to a belief in Confucianism, their way of life is nevertheless heavily influenced by Confucianism (Hwang 1998, 1999, 2001, 2012, Liu, Li & Yue 2010, Liu 2014). Sungmoon Kim states that 'citizens of East Asia who no longer subscribe to fully comprehensive Confucian philosophies and/or moral doctrines but nonetheless live by a certain aspect of

Confucianism, which is partially comprehensive, as a crucial part of their shared civic culture' (Kim 2017: 246).

It is also highly likely that some meritocratic process of political decision-making from the theory of CMD would be attractive to Chinese citizens. Many empirical studies have shown that because of the influence of Confucian culture, many Chinese citizens maintain a high degree of respect for the ruling elites. For example, David Y. F. Ho 何友輝 contends that the modern Chinese pattern of socialisation is characterised by 'authoritarian moralism' which is derived from Confucian filial piety (Ho 1989: 149-163, 1994: 347-365, 1996: 155-165). Some social psychologists also indicate that many Chinese citizens have found it entirely acceptable that those who play certain legitimate roles in the government, and who have already proved their competence in governing the state, should naturally possess more authority in political decision-making (Hwang 1999: 163-183, 2001: 179-204, 2012, Liu 2014: 83-87). At the same time, Chinese citizens have generally been willing to obey authority, rather than to challenge those in authority, and to insist upon their own rights (Liu, Li & Yue, 2010: 579-597).

Another attractive characteristic of the theory of CMD is that such a theory seeks consensus on practical aims, rather than uniformity among different normative principles. The theory of CMD is political, and it is not dependent on any particular metaphysical doctrines. Because of this, the theory of CMD has high potential to appeal to 'Liberal Democrats,' 'New Leftists,' and 'Confucian Constitutionalists' in today's mainland China.

All three groups are influenced, whether consciously or subconsciously, by Confucianism. They all believe that certain Confucian values and democratic values are valuable in today's Chinese societies, despite holding to different interpretations of certain normative principles pertaining to good governance. Among most scholars of these three groups, the dispute is not so much over the desirability of some democratic practices, but more over what kinds of democracy would be best for the Chinese, or when they should be implemented (Yu 2009, Yu 2012, Gao 2013).

More specifically, most Liberal Democrats argue that the fundamental building block of democracy is competitive multi-candidate elections – whether at the local or the central level of government – and that it is meaningless to talk about other forms of democracy

(such as intra-party democracy or local level democracy) without this foundation (Yu 2012). Their main reason for promoting democracy is that the contemporary political system in China is unfair, especially for the citizens who are not powerful.

An often-heard argument among the Confucian Constitutionalists is that some Chinese citizens, such as poor rural farmers or illiterate citizens, lack the capacity to make reasonable political decisions; and that because of this, these 'low quality' citizens should not be allowed to participate in political decision-making processes (Zeng and Guo 2014, Ren 2012). For the Confucian Constitutionalists, democracy will become more viable once Chinese citizens become more educated (Shue 1992).

Many New Leftists share certain views in common with the Confucian Constitutionalists; such as the priority of the public interests over private interests, and basic moral education for every citizen. They also maintain that the state should regulate the selection processes of political officials in order to guarantee that those who assume leadership positions in key political institutions are reasonable (Wang 2008).

What is often neglected in this debate is that all three groups agree with the opinion of the American sociologist Daniel Bell; as Bell says, 'the quality of life in any society is determined, in considerable measure, by the quality of leadership. A society that does not have its best men at the head of its leading institutions is a sociological and moral absurdity' (Bell 1972).[160] All three groups believe that the practical aim of political reform in modern China is to select political officials on the grounds of their capability to serve the well-being of all citizens and that the process of selecting such political officials must be fair and impartial. All three groups would agree that in order to achieve such practical aim, it is of great importance to help all Chinese citizens to make reasonable political decisions. This suggests that a Confucian meritocratic view of democracy has the potential to enjoy widespread acceptability in the ongoing debate about political reform in contemporary mainland China.

[160] This research project discusses two scholars named Daniel Bell. The Daniel Bell in question here (1919-2011) is one of the few major American thinkers in the post-World War II era to defend the idea of political meritocracy. He also proposed a 'House of Counsellors' composed of disinterested and experienced political leaders, who are all ready to protect the common good (Bell 1993).

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